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1707

STATE OF WISCONSIN.

1875
GOVERNOR'S MESSAGE

AND

32217

ACCOMPANYING DOCUMENTS

DELIVERED TO THE

LEGISLATURE IN JOINT CONVENTION,

Thursday, January 14, 1875.

Vol. 2.

BY AUTHORITY.

**MADISON, WIS.:
E. B. BOLENS, STATE PRINTER.**

1875.

GEO. F. WHEELER'S REPORT.

OFFICE OF STATE PRISON COMMISSIONER,

WAUPUN, Wis., Jan. 5, 1874.

To His Excellency, WM. R. TAYLOR, Governor:

SIR:—In obedience to the requirements of law, I have the honor to submit the accompanying report of the business transacted by the Prison for the period from Oct. 1, 1873 to Jan. 5, 1874.

GEO. F. WHEELER,
State Prison Commissioner.

CASH ACCOUNTS.

From October 1, 1873 to January 4, 1874.

RECEIPTS.		
Balance from Sep. 30, 1873.....	\$326 71	.....
From convicts on deposit.....	191 85	.....
Outstanding accounts 1873.....	7,814 87	.....
Sales from blacksmith shop.....	87 86	.....
Sales from chair shop.....	10,714 61	.....
Sales of fuel.....	15 75	.....
Sales from shoe shop.....	100 65	.....
Sales from stone shop.....	126 10	.....
Sales from tailor shop.....	64 75	.....
Sales from yard and soap house.....	21 18	.....
Visitors ..	80 25	.....
Freight overcharged refunded	845 94	.....
Interest.....	50	.....
Geo. F. Wheeler Commissioner	878 01	.....
		<u>\$19,768 08</u>
DISBURSEMENTS.		
Amusements and means of instruction.....	\$285 12	.....
Drugs, medicines and medical services	110 00	.....
Farm and barn expenses.....	389 96	.....
Fuel.....	4 00	.....
House furnishing	9 00	.....
Lights.....	145 86	.....
Manufacturing—stock for blacksmith shop	61 37	.....
Stock for chair shop	5,387 06	.....
Stock for shoe shop	117 26	.....
Stock for tailor shop	272 86	.....
Machinery and tools	652 08	.....
Miscellaneous—Convicts on deposits	20 00	.....
Discharged convicts	95 00	.....
Exchange	8 29	.....
Freights	1,277 77	.....
Indebtedness of 1873.....	4,076 69	.....
Interest	203 59	.....
Mileage and expenses.....	14 70	.....
Miscellaneous merchandise	68 51	.....
Office, printing and stationery....	38 50	.....
Postage, telegraphing, etc.....	35 84	.....
Sundries	20 00	.....
Tobacco	2 75	.....
Permanent Improvements and repairs.....	95 75	.....
Salaries and wages.....	5,447 05	.....
Subsistence.....	935 07	.....
		<u>\$19,768 08</u>

STATEMENT OF THE BUSINESS

Transacted by the several shops for the period from Oct. 1, 1873, to Jan. 4, 1874.

CHAIR SHOP.		
Net sales	\$12,649 24	.....
Work done for prison	175 05	.....
Stock and finished work on hand	41,976 50	.....
		<u>\$54,800 79</u>
Stock on hand, October 1, 1873	\$39,773 05	.....
Stock purchased	10,815 57	.....
Earnings	4,112 17	.....
		<u>\$54,800 79</u>
SHOE SHOP.		
Sales	\$114 85	.....
Work done for prison	368 93	.....
Stock on hand	483 80	.....
		<u>\$967 08</u>
Stock on hand October 1, 1873	\$580 39	.....
Stock purchased	167 00	.....
Earnings	219 69	.....
		<u>\$967 08</u>
TAILOR SHOP.		
Sales	\$110 10	.....
Work done for prison	1,122 98	.....
Stock on hand	1,337 89	.....
		<u>\$2,570 97</u>
Stock on hand, October 1, 1873	\$1,551 59	.....
Stock purchased	682 98	.....
Earnings	336 40	.....
		<u>\$2,570 97</u>
BLACKSMITH SHOP.		
Sales	\$87 86	.....
Work done for prison	296 62	.....
Stock on hand	461 77	.....
		<u>\$845 75</u>
Stock on hand, October 1, 1873	\$492 30	.....
Stock purchased	145 84	.....
Earnings	207 61	.....
		<u>\$845 75</u>
STONE SHOP.		
Sales	\$188 10	.....
Work done for prison	485 26	.....
Stock on hand	804 16	.....
		<u>\$1,427 52</u>
Stock on hand, October 1, 1873	\$1,185 68	.....
Stock purchased	90	.....
Making and repairing tools	42 00	.....
Earnings	248 94	.....
		<u>\$1,427 52</u>

STATEMENT OF THE PRODUCTS

of the Prison farm lot for the period from October 1, 1873 to January 4, 1874.

24	hogs killed, weight 7,840 lbs.	@\$5 50	\$403 70	.....
1	hog on hand.....		25 00	.....
25	pigs on hand.....	7 00	175 00	.....
11	pigs on hand.....	4 50	59 50	.....
100	bushels corn on hand	50	50 00	.....
			\$708 20	
60	bushels corn on hand October 1, '73.	50	\$30 00	.....
78 ¹ / ₈	bushels corn for hogs, 45@.....	50	36 95	.....
10	days labor	\$1 00	10 00	.....
25	hogs on hand, October 1, 1872.....	20 00	500 00	.....
25	pigs on hand Octor 1, 1873.....	8 50	87 50	.....
10	pigs on hand October 1, 1873	8 00	80 00	.....
	Balance		9 75	.....
			\$708 20	

RECAPITULATION OF EXPENDITURES

*From October 1, 1873, to January 4, 1874.**

Amusements and means of instruction	\$296 52
Drugs, medicines and medical services... ..	152 40
Farm and barn expenses.....	410 51
Fuel	4 00
House furnishing	89 86
Laundry and cleanliness	6 25
Lights	155 72
Clothing and tailor stock	682 98
Stock for shoe shop.....	167 00
Stock for blacksmith shop.....	145 84
Stock for chair shop	10,815 57
Stock for stone shop	90
Machinery and tools	908 69
Miscellaneous	6,478 50
Building improvements	8 00
Building repairs.....	138 98
Salary and wages	5,747 05
Subsistence.....	2,724 77
Total.....	<u>\$28,858 49</u>

* Detailed list of expenditures omitted from printed report and recorded in the office of the Secretary of State, in accordance with chapter 82, laws of 1874.

SUMMARY.

Showing the amount of Personal Property in and about the Prison, January 5, 1874.

Stock in cabinet and chair shops.....	\$41,976 50
Stock in shoe shop	483 80
Stock in tailor shop.....	1,337 89
Stock in blacksmith shop	461 77
Stock in stone shop	804 16
Tools and machinery in chair and cabinet shop.....	36,780 25
Tools and machinery in shoe shop	161 78
Tools and machinery in tailor shop	248 50
Tools and machinery in blacksmith shop.....	632 80
Tools and machinery in stone shop.....	490 95
Tools and machinery in soap house	55 00
Tools and machinery in barn and yard.....	1,510 60
Miscellaneous merchandise.....	270 33
Provisions and forage.....	1,054 98
Wood.....	2,672 00
Live stock.....	689 50
Furniture etc. in various apartments	7,000 00
Outstanding accounts	4,758 07
Total.....	<u>\$101,388 33</u>

Detailed statement omitted from printed report in accordance with chapter 82, laws of 1874.

STATE OF WISCONSIN—*Dodge County*—ss.

Geo. F. Wheeler, State Prison Commissioner, being duly sworn, says that the contents of the foregoing report by him subscribed, are just and true according to the best of his knowledge and belief.

GEO. F. WHEELER,
State Prison Commissioner.

Subscribed and sworn to before me, this 20th day of January, 1874.

L. D. HINKLEY,
Notary Public.

REPORT OF GEO. F. WHEELER, ACTING WARDEN.

STATE OF WISCONSIN—*Dodge County*—ss.

Geo. F. Wheeler, acting Warden of the Wisconsin State Prison, being duly sworn, says that the contents of the within report, by him subscribed, are just and true according to the best of his knowledge and belief.

GEO. F. WHEELER,
Acting Warden.

Subscribed and sworn to before me, this 8th day of April, 1874.

L. D. HINKLEY,
Notary Public.

CASH ACCOUNT.

RECEIPTS.		
From appropriation.....	\$18,718 89	.....
board of United States convicts	716 27	.....
convicts on deposit.....	5 95	.....
outstanding accounts 1873	929 63	.....
sales from blacksmith shop.....	6 30	.....
sales from chair shop.....	14,897 26	.....
sales of fuel	6 75	.....
sales of subsistence	22 28	.....
sales from shoe shop	80 05	.....
sales from stone shop.....	81 75	.....
sales from tailor shop.....	44 25	.....
sales from yard and soap house	3 00	.....
visitors	181 75	.....
G. F. Wheeler, acting warden	172 34	.....
		<u>\$35,765 97</u>
DISBURSEMENTS.		
Amusements and means of instructions.....	\$52 10	.....
Drugs and medicines.....	86 81	.....
Farm and barn expenses.....	800 71	.....
Fuel.....	2,745 70	.....
House furnishing	60 79	.....
Laundry and cleanliness.....	11 53	.....
Lights.....	151 00	.....
Directors' expenses.....	541 05	.....
Manufacturing—tailor's stock.....	72 72	.....
blacksmith stock.....	112 41	.....
chair stock	3,685 35	.....
stone shop stock	70	.....
machinery	83 01	.....
Miscellaneous —arrest escaped convicts	266 53	.....
convicts, deposits	85 00	.....
discharged convicts	85 00	.....
exchange	3 81	.....
freights.....	2,160 69	.....
Ind., '78 ...	14,545 05	.....
interest.....	400 40	.....
mileage.....	14 40	.....
merchandise	6 58	.....
office printing	22 80	.....
postage and telegraphing	88 47	.....
sundries	2 50	.....
tobacco.....	8 73	.....
Building—repairs	62 64	.....
Salary and wages.....	4,614 44	.....
Subsistence.....	8,151 45	.....
Geo. F. Wheeler, teaming, subsistence, etc.....	690 72	.....
		<u>\$38,956 59</u>
Balance paid H. N. Smith, Warden		<u>1,809 38</u>
		<u>\$35,765 97</u>

STATEMENT OF THE BUSINESS

Transacted by the several shops for the period from Jan. 5th to March 31, 1874.

CHAIR SHOP.		
Net sales	\$15,599 02	.....
Work done for the prison.....	875 60	.....
Stock and finished work on hand	86,074 62	.....
		<u>\$52,049 24</u>
Stock on hand, Jan. 5, 1874	\$41,976 50	.....
Stock purchased.....	6,093 18	.....
Earnings.....	8,979 61	.....
		<u>\$52,049 24</u>
SHOE SHOP.		
Sales	\$84 05	.....
Work done for prison.....	200 50	.....
Stock on hand	514 48	.....
		<u>\$749 03</u>
Stock on hand Jan. 5, 1874	\$488 80	.....
Stock purchased	156 48	.....
Earnings	109 27	.....
		<u>\$749 03</u>
TAILOR SHOP.		
Sales	\$49 50	.....
Work done for prison.....	955 10	.....
Stock on hand	954 06	.....
		<u>\$1,958 66</u>
Stock on hand, Jan. 5, 1874	\$1,887 89	.....
Stock purchased	168 09	.....
Earnings	457 68	.....
		<u>\$1,958 66</u>
BLACKSMITH SHOP.		
Sales	\$6 80	.....
Work done for prison.....	174 57	.....
Stock on hand	886 65	.....
		<u>\$567 52</u>
Stock on hand, Jan. 5, 1874	\$461 77	.....
Stock purchased	112 41	.....
		<u>\$574 18</u>
STONE SHOP.		
Sales	\$176 95	.....
Work done for prison.....	20 00	.....
Stock on hand	618 80	.....
		<u>\$810 75</u>
Stock on hand, Jan. 5, 1874	\$704 16	.....
Stock purchased.....	70	.....
Making and repairing tools.....	25 00	.....
Earnings	80 89	.....
		<u>\$810 75</u>

SUMMARY.

Showing the amount of Personal Property in and about the Prison, March
81, 1874.

Stock in chair and cabinet shop	\$36,140 45
Stock in shoe shop.....	514 48
Stock in tailor shop.....	954 06
Stock in blacksmith shop.....	386 65
Stock in stone shop	613 80
Tools and machinery in chair and cabinet shop.....	36,375 07
Tools and machinery in shoe shop	158 68
Tools and machinery in tailor shop	232 40
Tools and machinery in blacksmith shop.....	639 75
Tools and machinery in stone shop.....	464 40
Tools and machinery in soap house.....	55 20
Tools and machinery in barn and yard.....	1,475 35
Miscellaneous merchandise.....	302 38
Provisions and forage.....	607 40
Wood	3,004 87
Live stock.....	740 00
Furniture etc. in various apartments.....	7,000 00
Outstanding accounts	3,697 75
Total.....	\$93,362 69

DIRECTORS' REPORT.

OFFICE OF THE WISCONSIN STATE PRISON,

WAUPUN, September 30, 1874.

TO WILLIAM R. TAYLOR,

Governor of the State of Wisconsin:

The directors of this prison submit their report of its administration for the fraction of a year ending September 30, 1874.

After their appointment, the directors met at the office of this prison in Waupun on the 12th day of February, 1874, and qualified as such according to law, and formally took possession of the prison and its property, and organized by electing Nelson Dewey, president.

In the absence of having any person selected to appoint as permanent warden or clerk of the prison, the directors appointed George F. Wheeler, the late prison commissioner, acting warden, and L. D. Hinckley, the then and late prison clerk, clerk of the prison, with instructions to administer the affairs of the prison according to law and their previous administration, until the directors could appoint a permanent warden and clerk.

Messrs. Wheeler and Hinckley respectively qualified as such acting warden and clerk and performed and administered the affairs of the prison until the 31st day of March, last, to the satisfaction of the directors.

Mr. Wheeler's report of his administration from January 5, 1874, to March 31, 1874, is herewith submitted, and is a practical continuation of his administration as former State Prison Commissioner up [to March 31, 1874. His report referred to, and his report submitted to the governor of the State on the 5th day of January, 1874, will show the transactions of the prison for the six months ending March 31, 1874.

On the 3d day of March last, the directors appointed Horatio N. Smith, of Plymouth, Sheboygan county, Warden, and Jacob Fuss, of Green Bay, Brown county, clerk of the prison, and they respectively qualified according to law and entered upon the discharge of their duties as such on the first day of April, 1874.

On that day, Warden Smith took possession of the prison and its property, and the administration of the prison under the direction of the directors, as provided by the act of March 17, 1873, actually commenced.

An inventory of the prison property, including machinery, materials, goods manufactured and in process of manufacture, and all other personal property and assets, was taken by the Warden and Directors, as delivered to them by the late Prison Commissioner and acting Warden, which prison property was valued and appraised by the Directors, as follows, in aggregate values:

Stock for and in chair shop, including material and goods finished and unfinished.....	\$29,697 44
Stock for and in shoe shop, including material and goods finished and unfinished.....	400 48
Stock for and in tailor shop, including material and goods finished and unfinished.....	787 82
Stock for and in blacksmith shop, including material and goods finished and unfinished.....	154 15
Stock for and in stone shop, including material and goods finished and unfinished.....	157 25
Tools and machinery in chair and cabinet shops.....	20,602 20
shoe shop.....	88 85
tailor shop.....	148 50
blacksmith shop.....	281 80
stone shop.....	146 15
Property in soap and washhouse.....	23 70
barn and yard.....	642 10
Miscellaneous merchandise.....	214 70
Provisions.....	394 72
Forage.....	148 50
Wood and fuel.....	2,856 55
Live stock.....	565 00
Household furniture, beds, bedding for officers and prisoners, prisoners' clothing and library.....	7,107 42
Debts due prison, as valued by directors.....	1,559 45
Cash recived from Acting Warden Wheeler.....	1,809 88

Total value of property and machinery as valued by the Directors, April 1, 1874.....	\$67,784 16
In addition to the above prison property charged against the Warden, H. N. Smith, he has received and should be charged with the following items outside of prison business:	
Cash received from state appropriation to date.....	\$25,000 00
Cash deposited by convicts with him to date.....	100 00
Unpaid bills for materials, supplies, etc., and not due.....	\$6,022 75

Total amount chargeable against Warden H. N. Smith outside of and not including prison business during the six months ending September 30, 1874.....	<u><u>\$98,906 91</u></u>
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The following is a like inventory of similar prison property on the 30th day of September, 1874, with deductions for ordinary wear and depreciation and additions for repairs, and new purchases made by Warden H. N. Smith during the six months preceding the date of this report, and which inventory and the valuation thereof is approved by the directors, including debts unpaid April 1, 1874, and paid by Warden Smith to the credit of the above charges against him.

Stock for and in chair shop, including material and finished and unfinished goods.....	\$42,842 12
Stock for and in shoe shop, including material and finished and unfinished goods.....	612 12
Stock for and in tailor shop, including material and finished and unfinished goods.....	898 76
Stock for and in wagon and blacksmith shop, including material and finished and unfinished goods	983 97
Stock for and in stone shop, including material and finished and unfinished goods.....	846 96
Tools and machinery in chair and cabinet shop	21,237 08
shoe shop.....	104 15
tailor shop	147 10
wagon and blacksmith shop.....	386 90
stone shop.....	107 95
Property in soap and wash house.....	38 45
barn and yard.....	631 63
miscellaneous merchandise	816 18
provisions	795 78
forage	87 00
wood	2,681 25
live stock.....	1,121 50
garden.....	121 68
drugs.....	41 45
Household furniture, beds and bedding for officers and prisoners, prisoners' clothing and library of prison	9,621 84
Debts due the prison for property, etc., [sold during the six months previous to Sep. 30, 1874.....	8,870 99
Cash on hand Sep. 30, 1874.....	810 93
Total amount of prison assets Sep. 30, 1874, to the credit of warden.....	\$86,755 64
To this should be added the sum of.....	5,671 27
for the amoutnt of debts due from the prison and unpaid by commissioner Wheeler and whi.h have been paid by warden Smith out of the cash on hand after April 1, 1874, and the ap- propriations received srom the state.....	
Total amount to credit of warden Smith	\$92,426 91
Which leaves a balance for the actual cost of administering the prison for the six months ending Sep. 30, 1874, of.....	\$6,480 00

The value to the foregoing inventories is the same in both, with the difference of some deductions for ordinary wear and depreciation and additions for repairs and new goods. All materials are inventoried at cost and manufactured goods at wholesale prices.

This showing for the actual cost of supporting and sustaining the prison for the past six months cannot be considered a correct basis for sustaining the prison for the next six months, as the half year to come carries us through the cold winter months, when a large increase of current expenses must arise in fuel, lights, etc., and is a decrease of twenty per cent. in the working time of the prisoners by reason of short days. It being necessary for their safe keeping that they should be in their cells before sunlight ceases, and cannot have their meals and be taken out to work before sunlight in the morning. Again, the depression in the business affairs of the country will, and has injuriously affected the sale and market value of the prison products, and will decrease the sales in quantity and prices, and thereby reduce the product of prison labor.

When the Directors and the present Warden took possession, they found about three-fourths of the productive labor of the prisoners engaged in the chair manufactory, which is supplied with all the machinery for a large product of chairs, and which occupies seventy-five per cent. of the capacity of the prison shops. Whether this labor is more profitable than any other, the short time we have had charge of the institution does not enable us to determine, and we are not prepared to make or recommend a change of business.

Neither are we prepared to express an opinion as to the prison becoming self-sustaining, where the state works the convicts; but we believe that it may become self-sustaining by judicious and economical management, and with money always in hand to buy material and supplies, and not so otherwise. In order to sustain itself, the prison warden must buy everything needed with cash in the cheapest market, sell for cash in the best market, increase the product of the shops and the labor of the prisoners, exercise the most rigid economy, and have all needed permanent improvements about and in the prison grounds, and shops to economize labor and expenses.

Among the causes that the prison has heretofore drawn so much annually from the state treasury to support it, are that the late commissioner has had to carry on the prison business too much on a credit for the want of money furnished by the state, and has had to buy in a dear market, and for the want of proper additions and facilities, has had to work at great disadvantage and waste of labor, and the present warden, to a considerable extent, is laboring under the same disadvantages.

Warden Smith has thus far bought all materials and supplies for cash, and an evident saving of expenses of the prison is apparent, and the directors intend in future to buy on the cash system, even if they have to borrow money for the want of the necessary amount appropriated by the state.

Heretofore, large amounts of lumber have been delivered at the station at the Northwestern Railway at Chester, three miles distant from the prison, which has had to be there piled and hauled to the prison with teams at a cost of nearly \$2 per 1,000 feet, according to the previous teaming expense account. During the last six months, Warden Smith has made an arrangement with the St. Paul R. R. Co., by which that company has run a side track into the prison grounds; it is to be extended through the prison shops, which will save the prison nearly the sum of \$2,000 per annum in the item of teaming. He has inaugurated other changes which will decrease expenses.

An old well, drilled many years ago, and covered up as useless, he utilized with a windmill pump, which, with a large tank in process of construction, will furnish a sufficient supply of water to drench and wash out the prison sewerage and for other general uses, which was very much needed for the health of the prison population, and will considerably economize labor.

The prison cells and buildings are now warmed with stoves, at large expense and labor, and the Warden, with the approval of the Directors, contemplates having an estimate made of the cost of putting in the necessary apparatus to warm the same with steam, and the economy of using that system of warming such buildings, doing the washing and cooking of the prison. If such estimates shall show such a saving as will warrant the expenditure, the Directors will ask for a specific appropriation for that purpose. Also, an appropriation is required for a new roof on the south cell room, and for new window frames in this cell-room, which are nearly decayed and worthless. Other permanent improvements are required for the economic administration of this institution, which will require direct appropriations, all of which will be the subject of another report to you, and which we hope will meet with your favorable endorsement.

Warden Smith recommends as absolutely necessary and the directors have ordered him to put in the shops an additional new boiler, which will cost complete about \$1,500, for which an appropriation is asked.

The directors would call your attention to the fact, that there are 10 or 12 insane or nearly idiotic prisoners in this prison, who should be either pardoned or removed from within the prison precincts and sent to the counties, in which they were sentenced to be confined in the county jails or county poorhouses, or sent to their friends or some insane asylum, where they can be more properly taken care of and at less expense. A state prison is no place for an insane or idiotic person. They are frequently so boisterous and noisy as to disturb the rest of the other convicts, and very seriously interfere with police discipline of the prison, and their conduct is calculated to make the other convicts cross, unmanageable and disposed to disobey the rules of the prison for their government; the directors therefore recommend your pardon in some cases and legislative action others.

By a resolution of the directors, their president was appointed and directed to represent this institution at the prison congress held in St. Louis, Mo., in May last, and also to visit such prisons and penitentiaries in other states of the Union, as he might think necessary for the interest of this institution.

In pursuance of such appointment, the President of the Board of Directors attended the congress referred to, and visited since his appointment ten different penal institutions, by which much valuable information was obtained. The transactions and discussions of the congress relating to prison management and government will be valuable aids to our Warden in the government of this prison.

The reports of the warden, chaplain and physician are herewith submitted, which contain in detail all the transactions and business of the prison during the last six months, and the directors request your earnest attention to it. The Warden's report contains all the statistical information required for a correct understanding of all the facts and business relating to the prison, its population and discipline.

The late Commissioner Wheeler during his administration finished a well appointed chapel and school-room, which continues to be a satisfactory department of prison arrangement. All prisoners are required to attend chapel service on Sunday in the Protestant faith, and those of the Catholic faith enjoy religious service once in each month, administered by a Catholic Father. Such convicts, who cannot read or write, are instructed in the elementary branches of education if they desire, but such instruction is not compulsory.

The school tends to preserve good order among the convicts, and creates a desire for more information, and to lead a better life. The prison now has a library of about 500 volumes, but no additions have been made to it for the last two or three years for the want of funds to purchase them. The directors would therefore recommend an appropriation of \$200 for that purpose from the state treasury.

The business affairs of the institution are progressing satisfactorily, and the police discipline of the convicts is well maintained.

During the last six months, general health has prevailed among the prison population, and no deaths have occurred.

The report of Warden Smith herewith submitted, which is made a part of this report, will show the names of the officers of the prison with their several salaries, the number of convicts, the amount of manufactures, the number of volumes in prison library, and the cost of each addition to and change in the prison buildings, together with a full statement of the concerns of the prison.

The chair product of the prison has been heretofore disposed of to Abernathy Bros., of Leavenworth, Kansas, at prices satisfactory to the prison officers, by special contract. This contract will expire on the first day of November next, and it is expected cannot be renewed. If this contract cannot be continued, the warden will have to find a new market for chairs, which may be difficult to do so as to realize to defray current expenses by reason of the large product and the general depression of the business of the country. The stock of chairs will largely accumulate and be, for the time being, unavailable to keep up the supply of material, and to pay the current expenses of the prison. In view of this condition of the business of the prison, and to enable the officers to keep the convicts employed to the best advantage, to make all purchases for the lowest cash price, and to carry the prison goods till a more favorable market can be secured and the goods disposed of without too much sacrifice, the directors ask the legislature to make the following appropriations from the state treasury to pay indebtedness unpaid, created by the late prison commissioner Wheeler, and to carry the prison through to the first of April next:

Amount due—

State Industrial School, Waukesha.....	\$1,011 71
Watrous & Kutchim for weekly and daily Commonwealth .	62 25
Baxter D. Whitney for tools	23 00
Convicts deposits with late commissioner and unpaid.....	244 58

Unpaid liabilities..... \$1,341 54
 Against the prison, created previous to April 1, 1874, for which an appropriation should be made.

The outstanding indebtedness against the prison created since April 1st last and not yet matured, and the estimated payments to be made from the prison treasury for the next six months ending March 31, 1875, are as follows:

Outstanding liabilities for material, etc. created since April 1, 1874, and not yet matured	\$6,022 64
Officers' salaries for six months, ending April 1, 1875	9,194 08
Subsistence of Officers and prisoners for six months ending April 1, 1875	7,674 35
Lights and fuel to be bought and paid for within the next six months for next year's consumption.....	4,000 00
Freight and express for six months to April 1, 1875	489 04
Directors' expenses to April 1, 1875.....	800 00
Postage, telegraph and exchange to April 1, 1875	127 77
Payment for land and right of way for railroad, being balance unpaid	1,000 00
Discharged convicts for six months to April 1, 1875.....	205 00
Teaming and sundries for six months to April 1, 1875.....	250 00
Chair bolts for one year's supply.....	5,000 00
Lumber for all shops, to keep up supply	5,000 00
Paints and other materials, to keep up supply	9,710 78
Clothing for prisoners, printing, newspapers, drugs and medicine, forage, stationery and sundries	1,412 89
Total.....	<u><u>\$50,886 55</u></u>

The following are the estimated resources of the prison for the six months ending March 31, 1875:

Cash on hand, Oct. 1, 1874	\$810 93
Outstanding accounts, Oct. 1, 1874	8,370 99
To be received from visitors.....	300 00
To be received from U. S. prisoner's board	637 74
Estimated amount to be received from sales of goods from the different shops.....	31,781 32
Total estimated resources	\$36,900 98
Balance to be provided for by legislative appropriation	13,985 57
Total.....	<u><u>\$50,886 55</u></u>

The additional appropriation of \$13,985.57 to carry the prison through the year ending April 1, 1875, arises from an expenditure of about \$2,500 to furnish quarters for officers made during the last six months, and a large investment of about \$15,500 in raw material and manufactured goods on hand on the date of this report, and in excess of property and chattels of similar character on hand April 1st last, as will appear by Warden Smith's report.

For the support of the prison for the year commencing April 1, 1875, and ending April 1, 1876, the Directors would recommend an appropriation for current expenses, by the legislature, of twenty thousand dollars, which is about equal to compensation of the offi-

cers and employees of the prison, the number of which cannot be reduced. The Directors believe that the prison labor may be gradually brought to a point of self-sustaining, but it can only be done by systematizing and economizing the work and labor of the prison.

The Directors take this occasion to express their entire satisfaction in their selection of Warden and Prison Clerk, and that they have in all respects proven themselves valuable and efficient officers of the state, and discharged their respective duties in a manner meeting the complete approval of the Directors.

The directors also recommend, that the salaries and compensation of all the officers and employes of the prison be left to the determination of the directors, so that officers can be paid according to the value of their services to the state.

The warden and clerk's salary should be increased, to secure the services of those fully competent to discharge in all respects their several duties, and the directors are the best judges of the value of those services, when performed.

The directors are informed that the compensation of all professors, teachers, superintendents and all other employes in the service of the state of the state University, Normal, Deaf and Dumb and Blind schools, Insane asylums and other public institutions of the state are regulated by the boards of management of each respectively, and there can be no sound reason, why the state prison should be made an exception as to the manner and authority, by which the salary and compensation of its officers and employes should be regulated and determined. We therefore urgently recommend a change of the law in this respect, believing that a more efficient administration of the prison will be secured by leaving the salary of its officers and employes to the judgment of the directors.

The directors would call your attention and the attention of the legislature to the fact, that the various state institutions of schools, asylums and state officers and for legislative halls and supreme court rooms, yearly pay out considerable sums for office and other furniture, and mattresses for their use, all or most of which can be furnished by and from the prison of as good style, quality and workmanship, as can be bought elsewhere. In view of this fact, the directors would suggest the propriety of peremptory instructions by law, that such goods should be purchased of the State

Prison, when at all practicable, thus furnishing a reliable market to that extent for prison labor. The directors recommend an amendment of chapter 55 of the laws of 1867, making it compulsory to purchase such goods of the prison, which law has hereto not been observed, as we are informed.

The Board of Directors also recommend the passage of a law creating a board, to be composed of the prison physician and the superintendents of the Insane Asylums, whose duty it shall be, on the request of the Directors of the Prison, to examine any and all convicts, supposed to be insane, as to their sanity; and if found insane, or partially so, to order their removal to one of the insane asylums of the state, to be there kept until their recovery, and then returned to the prison. This course as to insane convicts is pursued by other states, and should be pursued in this state. Insane convicts seriously interfere with prison discipline, and State Prison officers are not intended or competent to properly care for this class of prison inmates.

The Directors herewith submit the report of Warden Smith, covering his administration of the prison for the last six months, which in all respects meets our entire and complete approval and approbation.

NELSON DEWEY,
WM. E. SMITH,
JOEL RICH,
Directors.

WARDEN'S REPORT.

OFFICE OF WISCONSIN STATE PRISON,
WAUPUN, September 30, 1874.

TO NELSON DEWEY, WM. E. SMITH, JOEL RICH,

Directors of Wisconsin State Prison:

GENTS:—On taking possession of the office of Warden of this institution, April 1, 1874, without experience and with little knowledge of its duties, I found I had everything to learn, and I must be allowed to express my great obligation to Hon. George F. Wheeler, late State Prison Commissioner, and to his deputy, Hon. B. F. Bettis, for their valuable information and assistance rendered me at the time I stood most in need of them.

STATISTICS OF POPULATION.

The number of convicts confined here, April 1, 1874, were—

Males	196
Females	5

Total.....	200
------------	-----

Received to October 1, 1874—

Males	68
Females	8

71

Discharged to October 1, 1874—

Males	41
-------------	----

30

Total number confined October 1, 1874	280
---------------------------------------------	-----

The number confined October 1, 1873	180
-------------------------------------------	-----

Showing an excess of	50
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Average number for six months, ending September 30, 1874.....	214
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Average number for one year, ending September 30, 1873.....	180
-------------------------------------------------------------	-----

There has been very little sickness, no deaths, and no escapes, since April 1, 1874.

RECEIPTS AND DISBURSEMENTS.

The following is a statement of the cash receipts and disbursements for six months from April 1 to September 30, 1874.

CASH RECEIPTS.		
Appropriation from state treasurer	\$25,000 00	.....
Received of George F. Wheeler, Commissioner.....	\$1,809 38	.....
Less convicts' deposits	824 58	.....
	1,484 80	.....
Collected from all accounts due the prison prior to April 1, 1874.....	1,559 45	.....
		\$28,044 25
Paid on old indebtedness due from prison prior to April 1, 1874.....		5,671 27
Leaving a balance of state appropriation of, to pay current expenses of prison from April 1, 1874....		\$22,372 98
Received for boarding of United States convicts..	\$637 74	.....
Received from visitors	463 50	.....
Convicts' deposits, old account.....	\$324 58	.....
new account.....	100 00	.....
	424 58	.....
Cash sales from chair and cabinet shop	\$23,093 53	.....
Cash sales from stone shop	836 91	.....
Cash sales from shoe shop.....	230 95	.....
Cash sales from tailor shop	274 70	.....
Cash sales from blacksmith shop	2 37	.....
Cash sales from barn and yard.....	6 72	.....
Cash sales from garden.....	23 10	.....
Deduction on bill of Goldsmith & Co.....	11 86	.....
		26,005 96
Total		\$48,378 94
CASH DISBURSEMENTS.		
For means of instruction.	\$11 26	.....
newspapers	16 50	.....
advertising and printing.....	35 81	.....
stationery.....	17 40	.....
		\$80 97
clothing for prisoners.....		920 53
drugs and medicines		161 84
farm and barn, 1 yoke oxen.....	\$170 75	.....
1 cow.....	45 00	.....
tools.....	15 55	.....
forage.....	249 55	.....
garden	114 36	.....
		595 21
lights.....		99 75
laundry		23 43
house furnishing, including kitchen	\$821 93	.....
purchases prior to April 1, 1874, for furnishing officers' quarters.....	506 41	.....
		\$1,328 34
chair shop, lumber	\$15,506 95	.....
machinery	816 14	.....
upholstery	470 26	.....
paints and oils	3,778 00	.....
hardware	3,270 01	.....
		\$23,841 36

Cash Receipts and Disbursements—continued.

<i>Cash Receipts—con.</i>		
For tailor shop		64 88
shoe shop		510 50
blacksmith shop, including repairs of machinery and tools		201 07
wagon shop		166 65
stone shop		38 88
general repairs and improvements		800 39
freight	\$427 64	
express	61 40	
		489 04
directors' expenses		776 80
postage and telegraph		101 71
exchange on drafts		26 06
Miscellaneous—For tobacco	\$274 80	
revolvers and repaired guns	98 00	
part payment on land for R. R. track	50 00	
part pay't for right of way ..	100 00	
For sundries	57 70	
		580 50
salary and wages		9,194 08
convicts discharged		205 00
arresting escaped convicts		10 00
teaming		183 12
subsistence		7,674 35
Balance on hand, October 1, 1874		810 98
Total		\$48,378 94

INVENTORY.

The following table is a summary of the invoice of all personal property on hand April 1, 1874, and October 1, 1874. The first column shows the values, as estimated by late commissioner, April 1st last. The second column shows the values as appraised by the directors, April 1st last. The third column shows the amounts and values of the property on hand October 1, 1874, showing the amount at that time to be \$18,158.39 in excess of amount of April 1, 1874, the excess being mostly in chairs and lumber.

All machinery is invoiced October 1, 1874, the same as appraised April 1st last, by the directors, the repairs being fully equal to the ordinary wear, new machinery and tools purchased only being added. The lumber at Chester at the price of April 1, 1874, as valued by directors, new purchases of lumber on the side track and in the yard, at the cost in cash.

The chairs on hand are invoiced at the wholesale contract price

with Abernathy Bro.; all other goods and merchandise at the cost in cash.

	Inventory of G. F. Wheeler, April 1, 1874.	Inventory of G. F. Wheeler, April 1, 1874, valued by directors.	Inventory of Oct. 1, 1874.
STOCK ON HAND.			
Chair and cabinet shop.....	\$22,300 69	\$18,895 79	\$23,630 31
Lumber	13,861 97	10,801 65	18,711 81
Wood.....	3,004 87	2,856 55	2,681 25
Stone shop.....	618 80	157 25	846 96
Blacksmith shop.....	386 65	154 15	89 78
Wagon shop..... ¹	¹	¹	894 19
Shoe shop.....	514 48	409 48	78 88
Tailor shop.....	954 86	787 32	398 76
Shoes, clothing and bedding on hand, not in use..... ²	²	²	533 24
Miscellaneous merchandise.....	298 38	214 70	316 13
Provisions.....	464 20	394 72	795 73
Garden..... ³	³	³	121 68
Live stock.....	740 00	565 00	1,121 50
Drugs.....			41 45
Forage.....	143 50	143 50	87 00
MACHINERY AND TOOLS.			
Chair and cabinet shop.....	36,421 24	20,602 20	21,237 03
Stone shop.....	464 40	146 15	107 95
Blacksmith shop.....	639 75	281 80	336 90
Shoe shop.....	158 68	88 35	104 15
Tailor shop.....	232 40	148 50	147 10
Soap and wash house.....	55 20	23 70	38 45
Barn and yard.....	1,475 35	642 10	631 63
Furniture and chattels.....	7,000 00	7,107 42	9,621 84
Total.....	\$89,730 12	\$64,415 33	\$82,573 72

To show the actual result of the six months' business ending September 30, 1874, the property on hand April 1, 1874, should be charged to me as valued by Directors.....	\$64,415 33
The amount of state appropriations in my hands, less amount paid on old indebtedness.....	22,372 98
Amount of liabilities incurred since April 1 for lumber and other materials delivered and on hand, and not paid for on date of this report.....	6,022 75
Total.....	\$92,811 06
I should then be credited with amount of property on hand as valued by Directors, October 1, '74 ...	\$92,573 72
Due state on account of sales since April 1, 1874...	3,870 99
Cash on hand.....	\$810 93
Less convicts' deposits.....	434 58
	386 35
	\$6,831 06

Leaving a balance of. \$6,480 00
as the amount which this institution has cost the state for six months ending
September 30, 1874, over and above earnings.

¹ Included in chair and cabinet shop. ² Included in tailor shop. ³ Included in barn and yard

This balance cannot be taken as any basis of financial results for the next six months. It will be seen that a large portion of the amount of appropriation by the legislature for current expenses is invested in the increased stock on hand. Eight thousand dollars of the excess being in the item of lumber alone. It will be necessary for the success of the labor of this institution to carry a stock of lumber and other materials equal to the amount now on hand.

It should also be remembered, that all the largest items of expense come in the six months ending April 1st next, being the winter months of the year.

The large increase in the number of convicts being 50 more on the first day of October, 1874, than on the first day of October, 1873, with a probability of a farther increase of at least 25, will necessitate the providing of extra iron bedsteads, beds, blankets, buckets, lamps, etc., for the increased number, in addition to the ordinary winter supplies.

During the summer and early fall, economy has been practiced in using up all the old clothes possible, which has lessened the expense for the last six months, and consequently will largely increase the expense of the next, even if there were no increase in numbers, for the reason that new clothes and materials will have to be purchased.

Nothing has been paid for fuel during the last six months. The large stock provided by Mr. Wheeler is nearly all on hand now, estimated to be sufficient to last three-fourths of the coming winter. The supply for the balance and for the next year, will soon have to be purchased, at a cost per year, according to the last prison report, of \$5,250.00.

The cost of lighting will also be largely increased during the winter months. Cost of subsistence also, in proportion to the increased numbers.

In addition to the ordinary expenses, from four to five thousand dollars will be required for the purchase of bolts for the chair shop. From five to six thousand dollars should also be invested in lumber during the winter, from which there will be no return until next summer.

The large cisterns under the shops for supplying the boilers, are all out of order, leaking badly, and will have to be repaired immediately, at a cost from eight to ten hundred dollars. A large stone tank for supplying the kitchen, barn and washhouse with water, is

in process of construction, which is estimated to cost, including iron pipes, from eight to nine hundred dollars, but mostly in labor and material from the yard; the cash expense is estimated at about two hundred dollars. This tank, when finished, will furnish one place within the prison yard, where water can be obtained in case of fire.

The daily earnings will be largely decreased during the next six months, on account of the winter weather and short days, much of the time not more than eight hours, instead of ten, as in the summer months, can the prisoners be employed.

The present resources are as follows:

Cash on hand.....	\$810 93
Finished chairs on hand as per invoice, sold to Abernathy Bros. of Leavenworth, as per contract, to be paid during the next four months.....	11,071 06
Outstanding accounts for goods sold since April 1, 1874....	3,370 99
	<hr/>
	\$15,252 98
Less liabilities for lumber and other materials, delivered and unpaid.....	6,447 22
	<hr/>
Total present available resources.....	<u><u>\$8,805 76</u></u>

Liabilities on old accounts, as far as known at this office previous to April 1, 1874, \$1,358.73.

Outstanding accounts (old), \$1,159.97, the collection of which being of so slow and uncertain nature, that they cannot be relied upon to meet the above debt.

I would therefore recommend that a special appropriation of \$1,358.73 be made to pay said indebtedness, created previously to April 1, 1874, by Mr. Wheeler. Also, an appropriation of \$2,627.07 for amount paid on old indebtedness out of appropriation for current expenses. Also, an additional appropriation of \$10,000 for the year, from April 1, 1874, to April 1, 1875, for general purposes, which would make, including the \$25,000 appropriated in March last, \$35,000 for the year ending April 1, 1875.

If the present arrangement for sales should continue, no further appropriation will be required for the support of this institution from April 1, 1874, to April 1, 1875, and at the same time leave a much larger stock of material and goods on hand on April 1, 1875, than on April 1, 1874.

It is however anticipated, that the general dullness of business may interfere with sales and possibly in the discontinuance of the contract with Abernathy Bros. In this event our stock of manu-

factured goods would accumulate, and our resources for cash for carrying the prison business and current expenses decreased to that extent. In order to continue cash payments, it would require an extra appropriation or temporary loan, until sales could be made.

If my estimate should prove correct, the result will compare favorably with the last seven years, as will be seen from the appropriations during that time, viz:

For the year 1867	\$55,000 00
1868	44,791 00
1869	40,000 00
1870	40,000 00
1871	*99,989 96
1872	58,998 47
1873	<u>45,735 00</u>

A large amount of labor has been devoted to the improvement of the condition of the prison yard and in the construction of walks, repairing drains, etc., of which no separate account has been kept, the receipts and disbursements not being affected by this application of the labor.

The cash expenditures for general repairs on the building are included and specified in the itemized statement of cash expenditures. Believing the general result to be the only object, I have not deemed it necessary to report the earnings of the different shops doing work for each other.

The prison grounds outside the prison walls have been cultivated to their full extent, the result of which is, that Warden, Deputy Warden and officers, tables have since the 15th day of August been supplied with vegetables of our own. The prisoners have also been fed from the productions with potatoes since Aug. 15th; often furnished with sweet corn and frequently supplied with tomatoes and cabbage, all which is believed, has tended to promote their health, as well as to save expenses.

*The large amount this year included the rebuilding of the shops which were burned.

FARM PRODUCTIONS.

The value of farm productions will be seen by the following statement.

*Statement of Products of the Prison Garden and Farm from
April 1, 1874, to Sept. 30, 1874.*

610 bushels potatoes at 50c		\$305 00
65 . beets at 37½c		24 37
30 carrots at 37½c		11 25
15 onions at \$1.00		15 00
25 tomatoes at 1.00		25 00
80 corn at 30c		24 00
2,750 heads of cabbage at 3½c		96 25
200 squashes 10c		20 00
17 Hogs at \$25.00	\$425 00	
2 \$20.00	40 00	
1	12 00	
49 Shoats and pigs \$8.00	147 00	
		\$624 00
12 Hogs killed in April, 1874, 2,298 lbs at 7c...		160 86
6 bbls. cucumber pickles at \$6.00		36 00
		\$1,841 78
Less hogs on hand April 1, 1874	\$300 00	
corn on hand April 1, 1874, 15 bushels 50c...	7 50	
67½ bushels corn bought at 60c	40 64	
seeds, vegetables and potatoes	14 32	
land plaster and Paris green	6 05	368 51
Balance		\$978 22

It is proper to add, that the feed of the hogs in this estimate of farm products, as in former estimates, is mostly derived from the refuse of the kitchen.

SUBSISTENCE.

Under the present law, the officers, employès, warden and deputy warden, with their families, are subsisted by the state; this fact, together with an average increase of 34 in the number of convicts over the year ending Sept. 30, 1873, will account for the increased amount paid for subsistence during the last six months.

The following statement will show the cost per week of the officers and families; also the cost per week of the convicts, the latter showing a saving over former years:

Statement of the cost of subsistence from April 1st to Sept. 30, '74.

Cash paid for subsistence.....		\$7,674 85
Cash paid for freight.....		89 01
Subsistence on hand April 1, 1874.....		464 20
Value of products derived from the garden, consumed up to this time		318 84
		<u>\$8,546 40</u>
Less subsistence on hand Oct. 1, 1874, not including products from garden	\$368 88	.....
Received from matron for boarding of children.....	52 00	.....
	<u>415 33</u>	
Total.....		<u><u>\$8,181 07</u></u>
<i>Prisoners' subsistence—</i>		
Number of days of prisoners subsisted, 39,146 days, at \$1.06 per week		\$5,927 82
<i>Officers' subsistence—</i>		
Whole number of officers subsisted by the state.....	29	.....
Number of persons in warden and deputy warden's families	10	.....
Estimating for extra employes, board of directors, committees, etc	1	.....
	<u>40</u>	
At \$2.11½ per week		2,208 25
		<u><u>\$8,181 07</u></u>

RAILROAD TRACK.

On the 10th day of May last, with your consent and approval, I called on S. S. Merrill, General Manager Milwaukee and St. Paul Railroad, in relation to the construction of a side track from the M. & St. Paul R. R. to the prison grounds. Upon learning the amount of business this institution could furnish if the proper facilities were afforded, Mr. Merrill, without a moment's hesitation, agreed to furnish the iron and ties and lay the track if the state would procure right of way and grade the track. On the 18th day of May, I made a contract with I. R. Matthews for four and a half acres of land lying between the railroad and the prison grounds, for \$900. On the 16th day of June, the first car of lumber was received, and on the first day of October, 1,400,000 feet had been received.

The track is now laid to the prison wall, at a cost to the state as follows:

For 4½ acres of land.....	\$900 00
right of way and damage	250 00
grading and culverts, including in last item, \$140 of convicts' labor	208 50
Total.....	<u><u>\$1,858 50</u></u>

The iron is on hand for extending the track through the shops into the yard about 300 feet.

I estimate the cost of opening the wall and making the necessary protection and extending the track to be about \$300, of which about \$225 would be convicts' labor, making the

Entire cost.....	\$1,658 50
Less convicts' labor.....	865 00
	<hr/>
Cash payments to be made.....	<u>\$1,293 50</u>

Several good judges estimate the land purchased to be now worth the whole cost of the improvement. I estimate that the saving to the state will be equal to or greater than the entire cost every year, so long as the present business is continued. The saving is not only in teaming, but full one half the cost of unloading and piling is saved by being done on the prison grounds, under reach of the guns on the wall.

A special appropriation ought to be made to cover the cost of this improvement.

TEAMING.

I found, on the 1st day of April, but one pair of horses here, belonging to the state, which was entirely inadequate to the wants of this institution. It was therefore necessary to provide for this branch of the work and to avoid the cost of supplying teams by purchasing. I first hired for the season one pair of horses, wagon and harness at \$1.25 per day, with subsistence. These two proving insufficient, I bought a heavy yoke of oxen. With them and the horse teams, the whole work of the prison has been done, viz., the delivery of all the chairs and furniture sold, the opening of and getting out a large quantity of stone from the quarry, delivery of the stone sold, hauling lumber from the yards to the shops as wanted, hauling supplies, including the hauling of 525,000 feet of lumber from Chester, about 100,000 feet from Waupun depot, and over 100,000 feet from new side track. In addition to the above, two single horses have been kept, one of my own and one of other parties kept for the use of it, so that one horse would be in the barn at all times for emergencies. The amount paid for teaming to this date is \$183.12; the amount for forage is \$249.55, which does not exceed the amount paid in former years.

Chapter 55 of the general laws of 1867, provides "that the dif-

ferent state institutions shall order and purchase from the state prison any article or articles of furniture, boots, shoes or brooms required for their several institutions or their inmates." Not having received any orders from those institutions, I conclude the law must have been repealed.

INSANE CONVICTS.

Chapter 75 of the general laws of 1858 provides for the removal of the insane from the prison to the asylum. I cannot too strongly urge immediate action in this matter. Five are now confined in their cells, being unsafe to associate with other convicts, four of whom have become insane since their confinement. One, from Grant county, was insane when he came here last March, and has never been out of his cell. It was not considered safe to allow a man to go to the shops who had just killed two men, and still expressed a desire to kill more. Six more, who are partially insane, are permitted to be out, some of whom do a little light work. It may not be too late for their improvement or recovery with proper care and treatment, which they cannot have here. Some of those who are confined are, no doubt, hopeless, and should be placed where their hideous howling could not disturb the rest and prevent the sleep of 240 men, who are compelled to perform their tasks of hard labor. It has been recommended that a portion of the north wing be finished and furnished for the confinement of this class of convicts. This, I think, would be a very unwise measure. It would necessitate as much expense for day and night watching for six persons, as it would for forty or fifty; whereas, a few persons of this class could be absorbed in the asylums without materially adding to the care or cost, and where they could be treated according to the requirements in each case. Superintendents and physicians skilled in the treatment of the insane are not expected to be found among the officers of the State Prison. In my opinion, the most serious objection against providing quarters for the insane in the north wing is, that it would be only an entering wedge, which would probably result in removing all the incurable insane in the state to the State Prison, a most deplorable result for the management and labor of the prison.

Much has been said and written in relation to this institution being self-supporting, mostly by those who have little if any knowledge of its necessities. It is assumed that 200 men ought to earn

enough to support themselves, overlooking the fact that the insane, sick and crippled, with cooks and choremen comprise nearly one-half of the number, thus requiring the labor of 100 men to board and clothe 200, to which should be added the cost of subsistence and salaries of officers, guards and keepers, not less than \$25,000 a year. It is not often that 100 men can, in any business, earn enough to feed, clothe and doctor 200, and make \$25,000 besides, with voluntary labor; much more difficult will it be to produce that result here with compulsory labor.

It should also be remembered that most of the men who come here are entirely unskilled in any mechanical employment; many of them badly diseased, and whose terms of confinement expire as soon as, or before, they become competent workmen; and, in addition, each must be furnished with a respectable suit of clothes and \$5 in money on his discharge.

More than one-third of the sentences are for one year or less—a large number for only six months—each to be provided with their incoming and outgoing suits of clothes. One convict is now serving on his sixth term, whose aggregate time of service is only four years and eight months, thus requiring six prison suits and six respectable going out suits with \$5 each time, all in four years and eight months. It will readily be seen, that he cannot be self-sustaining. The terms of sentences are very unequal for the same crimes, ranging from one to twelve years for the crime of horse stealing; the long term men, naturally feeling that injustice has been done them, which causes discontent and uneasiness—consequently less efficiency in their work.

It will be impossible to make this institution, located at inconvenient distances from all the great markets where labor is most valuable, self-sustaining at once, with the most rigid economy and closest business management. It will take time and experience to introduce new and more profitable branches of business, and it will require appropriations sufficient to have funds at all times on hand to purchase supplies and material whenever it can be done to the best advantage. Also, sufficient to enable it to hold the manufactured goods, when sales are dull and prices are depressed, until the markets are favorable for making sales.

A more equal and uniform practice on the part of the courts in the terms of sentences would also aid in producing the desired result. If the labor of the prison could be contracted at reasonable

rates, thus doing away with the large investments now required in stock, and with nearly 25 per cent. of the cost for keepers and overseers, the desirable result would, in my opinion, be more nearly realized than in any other way.

In the early part of my administration, a manuscript came into my hands, written by a convict, a Frenchman, since discharged, which contains some valuable suggestions in relation to prison discipline and management.

The following is an extract, in his own words:

"There is another stumbling block against which convicts are forced to come in contact with, as soon as liberated; which, as long as it remains unmoved, will furnish occupants to your jails and state prisons, as well as fees and occupations for your constables, jailors, sheriffs, justices of the peace, judges, prosecuting attorneys, clerks, jurors, etc., expenses for transporting the culprits, feeding, washing, doctoring, Christianizing, and endless miscellaneous disbursements from the people's purse and national honor, which could be immensely lessened if more attention was paid to a question frequently agitated and as often put aside or *ad infinitum* adjourned, as a tedious topic to converse upon.

This question is the complete destitution with which convicts are sent back to society.

I have satisfactorily ascertained the fact, that many convicts serving a second, third and fourth term, have first tried to be honest

It would be well to keep in sight, that men sentenced and brought to state prison, with but few exceptions, belong to the poorest element of society, and if exceptions exist, they would be found in capital cases, where money and influential protection have failed to secure an acquittal, the crime being too prominent to be kept from public interest, and justice in such cases has to be done, until time, with its reactive power, acts upon public's unstable minds with sufficient efficiency, to allow the chief executive to absolve him by the right of his pardoning power.

Poverty is evidently the greatest wrong, that ignorant criminals (for ignorance brings criminals to punishment, and learning serves to make them avoid it) have to suffer for. Thus it cannot be expected, that being released under such unfavorable auspices, provided only with the only shirt displayed on their back, and the sum of five dollars, that they can pay their fare to put a courteous distance

between them and the prison and have enough left to pay their board, until a chance occurs to make an honest penny.

It may be easily imagined, that when a liberated convict has not enough of his five dollars to pay his fare to go back where he came from, he can not feel very religiously inclined, most especially during the inclement season, which embraces a very respectable portion of the year.

I ask the reader what would he do in his place. Not go to the poor-house alive assuredly; before the county commissioners come to the conclusion to send you there you have time enough to die oftener than is the rule by exposure or inanition.

Get drunk and go to jail is far the most brutish, the most honest alternative; but you have to recommence at your liberation, and this time have no money to get drunk with.

Select your living out of slops and sleep in the open field?

Then you are liable to be imprisoned for vagrancy.

Die by cold and starvation?

Then your memory will be insulted by the very persons you would not consent to rob.

The only possible way to live and have a chance to retain your liberty is to be found in crime; a criminal you must become again and a very desperate one, I must infer, for hunger and cold are very powerful agents.

Could not this evil be remedied?

Yes, it could and without a single cent disbursed from the public purse.

Convicts during their captivity have leisure hours, that they can devote to some kind of industry however small should be the remuneration.

Let us say that those, who have some peculiar way to industry themselves, be permitted to do so and bazaar kept open to visitors willing to purchase any of these articles. This category would surely have at their liberation ample means to defray their expenses, previous to their finding employment after being liberated.

Those more awkward with brains and fingers, could in two hours be taught to make match boxes, and supposing that the state employs or gives in contract some convicts to make friction matches during the hours of labor; the boxes could be made during the leisure hours, and a ready sale would always be found in the market. Supposing that a man earns only five cents a day; it would

make fifteen dollars in a year of 300 days labor and by so doing, the state would save the five dollars generally given and by the adoption of this simple policy or any other and the same principle could wash its hands of all responsibility in the rearrest of a released convict.

I could describe how much more good would derive from this order of things and how much discipline would be benefited by this system; for the fear of being deprived of working for themselves would induce convicts to be more submissive, and it would also furnish an intermediate punishment between black marks and dark cells, a thing very much needed." * * * *

To partially remedy the evil, so clearly set forth in the foregoing, I commenced, about two months ago, by allowing one convict, as a reward for good behavior, to cane chair seats in his cell evenings, and paying him the same price that we are now paying the State Industrial School. In a short time applications were made, and permits given to, from 15 to 20, and it is probable that from 50 to 75 will be so engaged. When they have fully learned, they can earn from 8 to 15 cents every evening; and without one dollar cost to the state, as the freight to and from Waukesha is saved, and the breakage incident thereto avoided. The convicts, who are on limited terms are required to leave the most of it on deposit to go out with. The life members are allowed to purchase articles for their comfort or to send the money to their family or friends outside. I have found in every case so far that the man who has been so occupied in his cell in the evening is a better man at his work next day. Another advantage in this is, that in case of a stoppage of our machinery, a large number can be employed in caning in their cells.

Many of the convicts for good behavior are pardoned at the expiration of their terms to restore to them the rights of citizenship. It would seem that they should have something to show that they are again entitled to the rights of a citizen. But under existing laws they have nothing. The pardons are returned to the governor with the warden's endorsement, and a copy sent to the clerk of the court, where convicted. I recommend that provision be made, whereby they can have official evidence that they are restored to the rights of a citizen.

The Rev. Mr. Tasker, chaplain, has been constant in his duties, holding service in the chapel Sunday morning, where all the convicts are required to be present, and conducting a school Sunday

afternoon, of about 40 convicts, who desire to be instructed in the rudiments. He has also acted as usher for visitors during the week, thus filling the place of an extra officer. He has won the confidence and respect, not only of the officers, but of the convicts, many of whom trust him as a friend, and look to him for counsel and sympathy. His double duties should entitle him to a greater compensation than is now allowed by law.

Dr. H. L. Butterfield has been faithful in the performance of his duties, visiting and prescribing for the convicts every other day, and ready at all times to respond when his services are required. The remarkable good health of the convicts during the last six months should entitle him to much credit. The reports of the prison physician and the chaplain are herewith submitted.

Your selection of clerk was remarkably fortunate; no better selection could have been made. The detailed and itemized statements herewith submitted are the work of his head and hands, viz:

1. Inventory of all property on hand at this date.
2. Statement of sales from cabinet shop.
3.do.....do.... chair shop.
4.do.....do.... stone shop.
5. ... do.....do.... shoe shop.
6.do.....do.... tailor shop.
7.do.....do.... blacksmith shop.
8.do.....do.... barn and yard.
9.do.... of expenditures.
10.do ... of work done for state.
11. Population statistics.

The labor and ability applied to this work should entitle him to a more reasonable compensation; an increase of five hundred dollars a year would not, in my opinion, be too much for the services rendered.

A list of officers of this institution, with their salaries, is hereto annexed.

In conclusion, I can only add, that the labor and anxiety of the warden's position is greater than I am willing to perform for the salary now fixed by law.

Respectfully yours,

H. N. SMITH,
Warden.

STATE OF WISCONSIN—*Dodge County*—ss.

H. N. Smith, Warden of the Wisconsin State Prison, being duly sworn, says that the contents of the foregoing report, by him subscribed, are just and true according to the best of his knowledge and belief.

H. N. SMITH,
Warden.

Subscribed and sworn to before me, this 30th day of September, 1874.

JACOB FUSS,
Notary Public.

LIST OF OFFICERS.

September 30, 1874.

NAME.	Occupation.	Salary.
H. N. Smith.....	Warden	\$2,000 00 per year.
S. D. Hubbard.....	Deputy Warden.....	1,000 00 "
Rev. E. Tasker.....	Chaplain	800 00 "
Rev. Jos. Smith.....	Chaplain (Catholic)	200 00 "
H. L. Butterfield	Physician	300 00 "
Jacob Fuss.....	Clerk.....	1,000 00 "
Henry Broocks.....	Turnkey	45 00 per mon'h
G. J. Heideman.....	Sup't of Shops.....	2 50 per day.
I. Lassels	Master Painter.....	60 00 per mon'h
W. H. Shipman.....	Yard Master	45 00 "
	Overseer and keeper—	
C. L. Carr	chair shop.....	50 00 "
C. J. Van Patten.....	saw shop.....	45 00 "
W. H. Foster	cabinet shop	50 00 "
D. Kirwan.....	blacksmith shop	45 00 "
I. McEwan.....	turning shop.....	45 00 "
T. J. Darrow	paint shop	45 00 "
G. H. Allen.....	cane-seat shop	45 00 "
B. Stanton	prisoners' kitchen.....	45 00 "
Mrs. Ann Robinson.....	Matron female department..	25 00 "
Mrs. H. Broocks.....	Overseer officers' kitchen ...	20 00 "
L. Town	Keeper front gate.....	30 00 "
W. C. Bunce.....	Guard in office and night w'h	45 00 "
H. M. Cochrane .....	.....do.....do	37 50 "
S. S. Ormsbee	Guard in office.....	30 00 "
W. H. Clay.....	.....do.....	30 00 "
M. M. Flint	Guard on wall and night w'h	37 50 "
I. McClain .....	.....do.....do	37 50 "
Peter Nelson .....	.....do.....do	37 50 "
H. S. Ormsbee.....	.....do.....do	37 50 "
James Gray	Guard on wall	30 00 "
Geo. Norris .....	.....do.....	30 00 "

INVENTORY OF PRISON PROPERTY — SUMMARY.*

STOCK ON HAND.

Chair and cabinet shop	\$28,630 81
Lumber	18,711 81
Wood	2,681 25
Stone shop	846 96
Blacksmith shop	89 78
Wagon shop.....	894 19
Shoe shop	78 68
Tailor shop	398 76
Shoes, clothing and bedding, not in use.....	598 24
Miscellaneous merchandise.....	316 18
Provisions.....	795 78
Garden	121 68
Live stock	1,121 50
Drugs	41 45
Forage	87 00

MACHINERY AND TOOLS.

Chair and cabinet shop.....	21,287 08
Stone shop	107 95
Blacksmith shop.....	336 90
Shoe shop.....	104 15
Tailor shop.....	147 10
Soap and wash house.....	88 45
Barn and yard... ..	631 68
Furniture and chattels.....	9,021 84
	<hr/>
	<u>\$82,573 73</u>

*Detailed inventory omitted from printed report, in accordance with chapter 32, laws of 1874.

DISBURSEMENTS*

From April 1 to September 30, 1874.

Means of instruction	\$11 26	.....
Newspapers	16 50	.....
Advertising and printing	35 81	.....
Stationery	17 40	.....
		\$80 97
Clothing for prisoners.....		920 58
Drugs and medicines		161 84
Farm and barn, 1 yoke of oxen.....	\$170 75	.....
1 cow.....	45 00	.....
tools.....	15 55	.....
forage	249 55	.....
garden	114 86	.....
		595 21
Lights.....		99 75
Laundry		28 48
House furnishing, including kitchen	\$821 93	.....
Purchases prior to April 1, 1874, for furnishing of- cers' quarters	506 41	.....
		1,328 34
Chair shop—lumber	\$15,506 95	.....
machinery	816 14	.....
upholstery.....	470 26	.....
paints and oils	3,778 00	.....
hardware....	3,270 01	.....
		23,841 36
Tailor shop.....		64 38
Shoe shop		510 50
Blacksmith shop, incl. rep. of machinery and tools		201 07
Wagon shop		166 65
Stone shop.....		38 38
General repairs and improvements		300 39
Freight.....	\$427 64	.....
Express	61 40	.....
		489 04
Directors' expenses.....		776 30
Postage and telegraph		101 71
Exchange on drafts.....		26 06
Miscellaneous—tobacco.....	274 80	.....
revolvers and repaired guns.....	98 00	.....
part payment on land for railroad track	50 00	.....
right of way	100 00	.....
sundries	57 70	.....
		580 50
Salary and wages.....		9,194 08
Convicts discharged.....		205 00
Arresting escaped convicts.....		10 00
Teaming		183 12
Subsistence		7,674 35
Total		\$47,568 01
Paid on old indebtedness prior to April 1, 1874....		5,671 27
		\$53,239 28

*Detailed statement of disbursements omitted from printed report, and recorded in office of Secretary of State, in accordance with chapter 82, laws of 1874.

STATEMENT OF WORK DONE

For the State by the several shops from April 1, to September 30, 1874.

SUMMARY.*

Chair and cabinet shop .....	.\	\$449 20
Shoe shop.....		586 49
Tailor shop.....		1,555 00
Blacksmith shop.....		878 54
Total.....		<u>\$3,419 88</u>

* Detailed statement of the above named work is omitted from the printed report and returned to the Warden of the State Prison in accordance with chapter 83 laws of 1874.

STATEMENT OF SALES

From the various departments from April 1 to September 30, 1874.

SUMMARY.*

Furniture, chairs, etc.....	\$27,870 18
From stone shop.....	1,188 51
shoe shop	286 95
blacksmith shop.....	2 87
tailor shop	277 20
barn and yard	47 72
	<u>\$29,622 98</u>

* Detailed statement of sales omitted from printed report in accordance with chapter 83, laws of 1874.

PRISON POPULATION.

TABLE No. 1,

Showing the whole number of days spent in prison, the number of days lost time, and the number of days given to productive and unproductive labor.

Whole number of days—				
Males.....	72,599	.....	.....	.....
Females.....	1,693	.....	.....	74,292
Lost time—				
Sundays.....	10,421	.....	.....	.....
Solitary, as per sentence.....	899	.....	.....	.....
Solitary, as per punishment.....	194	.....	.....	.....
Dark cell, as per punishment.....	123	.....	.....	.....
Sick or disabled.....	2,606	.....	.....	.....
Insane or idiotic.....	2,685	.....	.....	.....
Old age.....	1,890	18,808	.....	.....
Indispensable labor, but not directly productive of income—				
Shipping clerk.....	314	.....	.....	.....
Hospital steward ..	314	.....	.....	.....
Pier tenders, barber and office boy...	1,949	.....	.....	.....
Kitchen men.....	2,812	.....	.....	.....
Teamsters and stable man.....	1,915	.....	.....	.....
Washhouse man.....	846	.....	.....	.....
Chore man.....	1,022	.....	.....	.....
Garden and farm labor.....	818	.....	.....	.....
Filling ice house.....	21	.....	.....	.....
Cutting wood.....	819	.....	.....	.....
Blacksmith, shoe and tailor shops, & time.....	2,079	.....	.....	.....
Menders and female prisoners.....	2,510	.....	.....	.....
General repairs, including R. R. work	248	.....	.....	.....
Piling lumber.....	1,028	16,195	.....	.....
Total unproductive time.....			34,508	.....
Productive labor—				
Chair and cabinet shop.....	37,874	.....	.....	.....
Stone shop.....	1,569	.....	.....	.....
Shoe, tailor and blacksmith shop, & time.....	846	... ..	39,789	74,292
Percentage of productive labor to average population, 53.63.				

TABLE 2.

SUMMARY OF RECEIPTS

From October 1, 1873, to October 1, 1874.

COUNTIES WHERE FROM.

Brown.....	8	La Fayette	2
Calumet.....	5	Manitowoc	4
Chippewa	8	Milwaukee	4
Columbia	5	Monroe	3
Crawford	2	Outagamie	3
Dane	9	Polk	1
Dodge.....	2	Portage	4
Door	2	Racine	3
Dunn.....	5	Rock.....	7
Eau Claire.....	6	St. Croix.....	1
Fond du Lac.....	4	Shawano	2
Grant	4	Trempealeau	1
Green	6	Vernon.....	1
Green Lake.....	4	Walworth	1
Jackson	2	Waukesha	2
Jefferson	2	Waupaca	2
Juneau	2	Winnebago	5
Kenosha.....	2	Wood	1
La Crosse	13		
Total.....			<u>128</u>

HABITS.

Intemperate	85	Temperate.....	27
Moderate	66		
Total			<u>128</u>

SEX.

Male	126	Female	2
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EDUCATIONAL RELATIONS.

Read and write English	76	Read and write Norwegian	2
Read and write English and Ger-		Read and write French.....	2
man	7	Read but not write.....	11
Read and write German	17	Neither read nor write.....	13

CONJUGAL RELATION.

Married	46	Widowers	11
Single.....	71		

AGES.

From 14 to 20.....	16	From 50 to 60.....	15
20 to 30.....	56	60 to 70.....	1
30 to 40.....	27	70 to 80.....	1
40 to 50.....	13		

PLACE OF BIRTH.

New York.....	26	New Hampshire	1
New Jersey.....	2	Minnesota	1
Vermont.....	5	Indiana.....	2
Massachusetts	3	Germany.....	20
Maine	3	Ireland	7
Missouri	1	Canada	12
Wisconsin	13	Switzerland	1
Connecticut	1	Norway.....	2
North Carolina	1	England	4
Pennsylvania	7	Poland.....	1
Illinois.....	6	Sweden	1
Iowa	1	France.....	2
Virginia.....	1	New Brunswick.....	2
Tennessee	2		

RELIGIOUS INSTRUCTIONS.

Methodist	31	Baptists	4
Episcopal	6	Congregational	1
Presbyterian	10	United Brethren.....	2
Catholic	38	Dunkerd	1
Unitarian.....	2	Church of England	1
Universellists.....	1	None	10
Lutheran	21		

OCCUPATION.

Artist	1	Hotel keeper.....	1
Butcher	2	House keeper	1
Brewer	1	Lumbermen	4
Baker	2	Laborer	16
Brakesmen	3	Letter carrier	1
Blacksmith	4	Mason.....	1
Bar tender	3	No occupation.....	2
Carriage maker	1	Printer	1
Civil engineer	1	Painter	3
Clerks	4	Pattern maker	1
Cabinet maker	2	Physicians	2
Carpenter.....	3	Raftsmen	3
Cook	5	Shoemaker	2
Cooper	1	Sailor	2
Engineers	4	Stone cutter.....	3
Farmers	34	Steward	1
Grooms	4	Teamster	3
Hostlers	2	Weaver.....	1
Horse dealer.....	1	Wagon maker.....	2

TERMS OF SENTENCES.

During life.....	6	Two years and two months	1
Ten years.....	1	Two years and one day	1
Eight years and two months....	2	Two years	28
Eight years.....	1	One year and eight months	1
Six years	3	One year and six months.....	6
Five years.....	4	One year and three months.....	1
Four years and six months.....	2	One year and one month.....	1
Four years	5	One year	80
Three years and six months.....	2	Nine months.....	1
Three years.....	14	Eight months.....	2
Two years and six months.....	1	Six months	12
Two years and three months	3		

CRIME.

Adultery.....	3	Murder, second degree	2
Arson	1	Manslaughter, second degree	3
Accessory before the fact to the crime of arson	1	Manslaughter, third degree	3
Assault with intent to murder	8	Manslaughter, fourth degree	2
Assault with intent to rape.....	4	Obtaining money by false pre- tenses	2
Burglary	22	Poligamy.....	8
Burglary and larceny.....	3	Rape	1
Counterfeiting	2	Robbery.....	5
Forgery	2	Sodomy	1
Incest	2	Uttering false check or order for money.....	1
Larceny	58		
Murder, first degree	4		

NATIVITY.

Native.....	76	Foreign	52
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COLOR.

White	123	Mulatto	1
Black	4		

TABLE No. 3.

PRISONERS DISCHARGED.

Expiration of time.....	2
Reduction of time.....	38
Reduction of time, including pardon to restore to citizenship.....	19
Governor's pardon	15
President's pardon.....	3
Died	1
Total	<u>78</u>

COUNTIES WHERE FROM.

Brown.....	2	Monroe.....	6
Chippewa	2	Outagamie	2
Columbia.....	3	Ozaukee.....	1
Dane	4	Oconto	2
Eau Claire.....	3	Pierce.....	1
Fond du Lac	5	Racine	4
Grant	2	Rock.....	6
Juneau.....	2	Sheboygan	2
Jackson.....	2	St. Croix	2
Jefferson	2	Shawano	1
Kenosha ...	3	Vernon	1
La Crosse.....	7	Winnebago.....	4
La Fayette.....	1	Wood	1
Manitowoc	2	Waupaca	1
Milwaukee	3	Waukesha.....	1
Total.....			<u>78</u>

TABLE No 4.

PRISON POPULATION.

COUNTIES WHERE SENTENCED.

Brown.....	6	Manitowoc	8
Chippewa	4	Marquette	1
Clark.....	1	Milwaukee	21
Columbia.....	7	Monroe.....	4
Crawford	6	Oconto	5
Calumet	4	Outagamie.....	5
Dane	16	Pierce	8
Dodge.....	7	Polk	1
Dunn.....	6	Portage.....	3
Door	2	Racine.....	3
Eau Claire.....	7	Rock	10
Fond du Lac.....	8	Sauk	2
Grant	7	Shawano.....	4
Green Lake.....	5	St. Croix	2
Green	6	Trempealeau.....	2
Jackson	1	Vernoni.....	8
Jefferson.....	5	Walworth	8
Juneau	8	Waukesha	4
Kenosha.....	6	Waupacca	6
La Crosse.....	17	Waushara	2
La Fayette.....	2	Winnebago	6
Total.....			<u>230</u>

NATIVITY.

American.....	133	Foreign	97
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SEX.

Males	223	Females	7
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COLOR.

White	223	Indian.....	1
Black.....	6		

NUMBER OF TIMES IN PRISON.

First time	200	Third time.....	9
Second time	18	Fourth time	3

AGES.

From 14 to 20.....	17	From 50 to 60.....	25
20 to 30.....	91	60 to 70.....	6
30 to 40.....	96	70 to 80.....	4
40 to 50.....	30	80 to 90.....	1

EXHIBIT OF UNITED STATES PRISONERS.

No.	County Where Convicted.	Term.	When Sentenced.	Crime.
1421	Milwaukee..	7 years.	Sept. 22, 1869	Passing counterfeit money.
1422	Milwaukee..	7 years.	Sept. 22, 1869	Passing counterfeit money.
1605	Dane	5 years.	Feb. 21, 1871	Passing counterfeit money.
1702	Dane	10 years.	June 25, 1872	Passing counterfeit money.
1891	Dane .....	.....	June 28, 1874	Passing counterfeit money.
1892	Dane .....	.....	June 18, 1874	Passing counterfeit money.

TABLE NO. 5.

LIFE MEMBERS IN PRISON.

Counties where from.

Brown.....	1	La Crosse.....	1
Calumet	2	Oconto	2
Columbia.....	1	Rock.....	3
Dodge	4	Racine	2
Dane	1	St. Croix	1
Fond du Lac	2	Shawano	1
Green Lake.....	2	Waushara	2
Grant.....	3	Walworth	1
Jefferson	1		
Milwaukee	7	Total	40
Manitowoc.....	3		

NATIVITY

New York.....	4	Wisconsin	1
Pennsylvania	3	Ireland	9
New Hampshire	1	Germany	7
Missouri.....	1	Holland	1
Indiana	1	Bohemia.....	1
Kentucky.....	1	England	2
Georgia	1	Switzerland.....	1
Tennessee	2	Nova Scotia	1
Ohio	1	Sweden.	1
Illinois	1		

CONJUGAL RELATIONS.

Married	15	Widowers	13
Single	10	Widows	2

RELIGIOUS INSTRUCTIONS.

Catholic	14	Christian	3
Methodist	8	Congregational.....	1
Lutheran	7	Episcopal.....	1
Baptist	2	Quaker	1
Presbyterian.....	2	None	1

SEX.

Male 38 | Female..... 2

COLOR.

White 37 | Black..... 8

AGES.

From 20 to 30.....	8	From 50 to 60.....	6
30 to 40.....	11	60 to 70.....	2
40 to 50.....	11	70 to 80.....	2

TABLE 6,

SHOWING THE NUMBER AND HOW DISCHARGED, FROM JANUARY 1, 1855, TO OCTOBER 1, 1874, ALSO THE PER CENT. OF PARDONS.

	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	Oct. 1872.	Oct. 1873.	Oct. 1874.
Commutation.....	5	22	44	68	88	66	34	64	48	41	46	53	96	101	79	77	76	60	65	57
Expiration	38	12	8	16	80	26	27	1	2	2	1	4	16	4	11	1	13	2	6	2
Governor's pardon...	1	1	1	1	1	1	3	1	1	1	2	1	1	1	1	1	1	2	14	15
President's pardon.....	1	1	1	1	2	2	1	1	1	1	2	1	1	1	2	1	1	1	1	8
Death	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Order of Supreme C't.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Writ of habeas corpus	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Escaped.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Removed to In. Asy'm	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Suicide	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Order of Sec. of War	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Removal to State Industrial School.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Total.....	45	39	52	86	115	97	96	75	79	55	70	72	114	117	100	83	93	100	87	78
Average number of population	72	90	135	181	192	176	154	128	124	123	109	128	194	203	186	198	202	200	180	222
Per cent. of pardons of the av. population...	52.78	14.44	5.93	8.90	15.62	15.34	21.48	7.03	16.94	6.50	18.35	7.03	8.76	3.94	6.98	2.00	5.94	15.50	7.77	8.03
Per cent. of pardons of the No. discharged.	84.44	33.33	15.39	18.62	26.09	28.12	34.37	12.00	26.58	14.54	28.57	12.50	14.91	6.84	18.00	4.82	16.44	32.00	16.09	35.03

TABLE No. 7.

STATISTICS.

Showing the various characteristics and relations of prisoners received since the organisation of the prison, said statistics dating back to the reception of each prisoner.

COUNTIES WHERE SENTENCED.

Adams	5	Marathon	2
Brown	43	Marquette	12
Buffalo	3	Milwaukee	568
Calumet	7	Monroe	82
Chippewa	13	Oconto	7
Clark	3	Outagamie	17
Columbia	66	Ozaukee	5
Crawford	25	Pepin	4
Dane	124	Pierce	9
Dodge	63	Polk	4
Douglas	1	Portage	12
Dunn	11	Racine	75
Door	2	Richland	7
Eau Claire	22	Rock	126
Fond du Lac	53	Sauk	17
Grant	60	Shawano	6
Green	19	Sheboygan	15
Green Lake	11	St. Croix	13
Iowa	21	Trempealeau	5
Jackson	16	Vernon	21
Jefferson	55	Walworth	50
Juneau	19	Washington	9
Kenosha	82	Waukesha	44
Kewaunee	1	Waupacca	14
La Crosse	89	Waushara	6
La Fayette	18	Winnebago	35
Manitowoc	27	Wood	3
Total			<u>1927</u>

NATIVITY.

American.

Alabama	3	Mississippi	3
Arkansas	3	Missouri	14
Connecticut	15	New Hampshire	13
Florida	2	New Jersey	10
Georgia	3	New York	425
Illinois	40	North Carolina	7
Indiana	16	Ohio	101
Iowa	10	Pennsylvania	93
Kentucky	15	Rhode Island	1
Lousiana	4	South Carolina	3
Maine	24	Tennessee	6
Maryland	3	Texas	2
Massachusetts	36	Vermont	47
Michigan	22	Virginia	23
Minnesota	2	Wisconsin	101
Total			<u>1,047</u>

Foreign.

Atlantic Ocean.....	2	Jamaica	1
Bavaria.....	2	Mexico	2
Belgium.....	2	New Foundland.....	1
Bohemia.....	12	New Brunswick.....	2
Canada	91	Norway	82
Denmark	11	Nova Scotia.....	7
England.....	76	Poland	1
France	10	Russia.....	1
Germany	825	Sandwich Islands	1
Holland	11	Scotland	15
Hungary	8	Sweden.....	7
Isle of Man	2	Switzerland.....	18
Ireland	242	Wales	8
Total.....		880	

Recapitulation.

	Total.	Per cent.
American.....	1,047	54.67
Foreign	870	45.33
Total	1,927	100.00

COLOR.

White	1,865	Indian	6
Black	50	Mulatto	6

AGES.

Under 12 years.....	8	From 40 to 50.....	175
From 12 to 20.....	865	50 to 60.....	96
20 to 30.....	847	60 to 70.....	19
30 to 40.....	414	70 to 80.....	8

SEX.

Male	1,825	Female	102
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CRIMES.

Abortion	1
Accessory before the fact to the crime of arson.....	1
Accessory before the fact to the crime of rape.....	1
Adultery	14
Aiding prisoners to escape	8
Altering and forging U. S. treasury notes.....	8
Arson	53
Assault with intent to kill	80
Assault with intent to maim	3
Assault with intent to rape.....	84
Assault with intent to steal.....	15
Bigamy	8
Breaking church	1
Burglary	254
Burglary and larceny	22
Burglary with arms.....	5
Burning hay stacks.....	1
Claiming and opening letters.....	8
Carrying concealed weapons.....	1
Counterfeiting	51

Desertion.....	1
Embezzlement	20
Forgery	36
Fraud.....	1
Illegal voting.....	2
Incest	18
Keeping house of ill-fame	21
Larceny of different grades	972
Manslaughter, 1st degree	16
Manslaughter, 2d degree.....	21
Manslaughter, 3d degree.....	31
Manslaughter, 4th degree.....	12
Mayhem	2
Murder, 1st degree.	71
Murder, 2d degree.....	11
Murder, 3d degree	4
Obtaining money under false pretenses.....	17
Passing forged order.....	1
Perjury	6
Placing obstructions of railroad track.....	4
Poisoning well.....	1
Polygamy	19
Prison breaking	80
Rape	6
Receiving stolen goods.....	5
Robbery.....	47
Seduction	3
Sodomy	5

PER CENT.

Crimes against person.....	21.89
Crimes against property.....	78.18

SENTENCES.

During life	81	2 years and 5 days.....	3
20 years.....	1	2 years and 3 days.. ..	2
15 years	2	2 years and 1 days.....	3
14 years.....	3	2 years	422
13 years	4	1 year and 11 months.....	1
12 years	14	1 year and 10 months, 10 days...	1
11 years	1	1 year and 10 months, 5 days....	1
10 years and 6 months	1	1 year and 10 months,	2
10 years	34	1 year and 9 months.....	3
9 years and 6 months	1	1 year and 8 months	4
9 years	2	1 year and 6 months, 5 days.....	1
8 years and 2 months.....	2	1 year and 6 months.....	76
8 years	12	1 year and 5 months.....	2
7 years and 5 days.....	1	1 year and 4 months.....	5
7 years	28	1 year and 3 months.....	11
6 years and 6 months	1	1 year and 2 months	2
6 years	12	1 year and 1 month, 7 days.....	1
5 years and 6 months.....	1	1 year and 1 month.....	1
5 years	73	1 year and 10 days.....	6
4 years and 6 months... ..	3	1 year and 3 days.....	2
4 years	71	1 year and 1 day.....	8
3 years and 6 months	6	1 year	620
3 years and 1 day.....	1	10 months	5
3 years	167	9 months	20
2 years and 11 months	1	8 months and 10 days.....	1
2 years and 6 months, 10 days..	1	8 months and 1 day.....	2
2 years and 6 months	82	8 months	20
2 years and 4 months	1	6 months and 3 days.....	2
2 years and 3 months	8	6 months and 1 day.....	2
2 years and 2 months	1	6 months	132
2 years and 10 days.....	1		

OCCUPATION.

Agent	1	Hotel keeper.....	1
Artist.....	4	House keeper.....	47
Baker	16	Indian chief	1
Bank clerk.....	2	Jeweler.....	5
Barber.....	15	Laborer.....	304
Barkeeper	7	Land agent	1
Basket maker.....	1	Lawyer	4
Blacksmith	56	Livery stable keeper.....	1
Boatman	2	Lockmaker	1
Boiler maker.....	1	Lumbermen	38
Book binder.....	3	Letter carrier	1
Book keeper.....	11	Machinists.....	15
Boot and shoe fitter.....	2	Manufacturer musical inst.....	1
Box maker.....	1	Mattress maker	1
Brakeman	4	Mason	18
Brewer	9	Merchant.....	4
Brick layer.....	5	Miller	10
Brick maker.....	6	Milliner	2
Brush maker.....	6	Millwright.....	1
Butcher	24	Miner	8
Cabin boy	1	Moulder	5
Cabinet maker	20	Newsboy	4
Civil engineer.....	1	None	80
Chair maker.....	2	Painter	88
Carpenter.....	14	Paper folder.	1
Cigar maker.....	76	Paper maker	1
Circus performer.....	1	Peddler.....	8
Clergyman.....	4	Physician.....	15
Clerk.....	33	Photographer	3
Clock maker.....	2	Plasterer.....	1
Clothier	2	Porter	3
Confectioner	1	Printer	12
Cook	28	Produce dealer.....	1
Cooper	17	Publisher.....	2
Coopersmith	1	Pottermaker	1
Dance performer.....	1	Raftsmen	8
Daguerrean case maker.....	1	Railroader	8
Daguerrean artist	1	Railroad contractor	1
Dentist	1	Railroad overseer.....	1
Detective	1	Real estate dealer	2
Distiller	2	River boatman.....	8
Draftsman	1	River pilot.....	1
Drayman	3	Sailor	97
Dressmaker.....	4	Saloon keeper.....	4
Druggist.....	1	Sash and blind maker ..	1
Engineer	15	Sawyer.....	3
Farmer	482	School teacher	2
Finisher	4	Seamstress	12
Firemen	8	Servant	36
Fisherman.....	7	Sewing machine agent.....	1
Gambler	1	Shingle maker.....	1
Gardner.....	5	Ship carpenter.....	7
Gas fitter.....	1	Shoemaker.....	57
Gas pipe maker	1	Showman	4
Glove maker.	1	Silk manufacturer.....	1
Goldsmith	1	Silversmith	3
Gunsmith.....	2	Slater.....	3
Hack driver	1	Soap maker.....	1
Harness maker.....	16	Soldiers	10
Horse farrier	1	Stage driver.....	5
Horse shoer.....	1	Steamboat man.....	1
Horse dealer.....	1	Stone cutter.....	20
Hostler	5	Stone mason	3

Occupation—con.

Storekeeper	5	Vagrant	1
Tanner	2	Wagon maker	9
Tailor	14	Washwoman	2
Tailoress	1	Watchmaker	7
Tavern keeper	6	Weaver	1
Teacher.....	1	Well digger.....	1
Teamster	38	Wheat buyer.....	1
Telegraph operator.....	1	Wheelwright.....	1
Ticket agent	1	Woolen mill operative.....	1
Tinsmith	5	Trapper	1
Tool maker	1	Trunk maker	1
Traveling agent.....	1	Tailor	1
Turner	1	Lithographer	1
Typeist	1	Reporter.....	1
Upholsterer.....	1	Tobacconist.....	1

ANNUAL REPORT
OF THE
COMMISSIONER OF IMMIGRATION
FOR THE YEAR 1874.

To his Excellency, W. R. TAYLOR,

Governor of the State of Wisconsin:

In compliance with the requirement of section 19 of chapter one hundred and fifty-five of the laws of 1871, I have the honor of submitting to you, herewith, a report of my labor, proceedings and account of expenditures as Commissioner of Immigration of the State of Wisconsin, for the year 1874.

At the commencement of the year, in entering upon the discharge of the duties of the office, I found that my predecessor, Mr. Johnson, had made selections of efficient gentlemen, in the several counties in the state, in accordance with the provisions of sections 9, 10, 11, 12, 13 and 14 of chapter one hundred and fifty-five, act of 1871, and after making such changes in the status of said county committees as my judgment led me to believe fit and proper, I left them as I found them, from time to time corresponding and receiving communications therefrom in relation to immigration, until the amendatory and repealing act under chapter 338, laws of 1874, rendered the same inoperative.

The information I derived from the county committees is merely statistical, and has no direct bearing on the subject of immigration, further than statistics apply, therefore, I deem it unnecessary to enlarge this report by the correspondence, inasmuch as the same subject matter has formed a part of past reports.

The following is the number, nationality and destination of the immigrants arriving at Milwaukee from April 1st to December 15th, 1874:

NATIONALITY.	For Wisconsin.	Other States.	Total.
Germans	2,458	1,475	3,933
Norwegians	925	1,338	2,263
Danes	107	199	306
Swedes	29	276	305
English	42	40	82
Irish	78	56	134
French	30	52	82
Austrians	9	40	49
Bohemians	321	195	516
Icelanders	2	.....	2
Dutch .....	.....	40	40
Poles	76	59	135
Hungarians	20	12	32
Swiss	2	.....	2
Scotch .....	.....	7	7
Bavarians	5	12	17
Spaniards	5	8	8
Total	4,109	3,804	7,913

Last year report for the number of immigrants arriving at Milwaukee, was as follows:

NATIONALITY.	For Wisconsin.	Other States.	Total.
Norwegians	2,972	4,218	7,190
Germans	1,441	370	1,811
Danes	123	124	247
Swedes	46	250	296
English	74	12	86
Irish	4	49	53
Icelanders	59	.....	59
Finlanders .....	.....	8	8
Total	4,719	5,031	9,750

It will be seen by the above statement that immigration for the past season, centering in Milwaukee, falls considerably short of that of former years. This applies more particularly to the Scandinavians and Germans, and may be accounted for by the unusually rich harvest in Norway and Sweden in the year of 1873, the unparalleled increase in the products of the fisheries, together with the vast development of long hidden or neglected national resources of

those countries, combined with reports of the devastating visitation of grasshoppers in Western Minnesota and Iowa, all which have, perhaps for a time, caused the natives of said countries to forego their intention of seeking homes among us.

Complaints, many and bitter, are made by immigrants of the treatment they receive in Chicago, Ill., where, by the ill-advised legislation of last winter, they are left to the merciless extortions of hotel keepers, rapacity of swindlers and the unmitigated operations of confidence men, who prey upon the poor untutored immigrants with the most unblushing effrontery, feeling a security in their reprehensible acts, begot by the indifference of the city authorities. I most sincerely deprecate the state of things that renders me powerless to remedy this evil and remove from the pathway of the immigrant the annoyances that environ him in that city. I would respectfully suggest that your Excellency recommend such legislation as shall provide for the reestablishment of an agency in Chicago, to be kept in operation during the immigrant seasons of the year, as I believe that the past history of the agency lately discontinued there will adduce abundant proof that it has been an instrument promotive of incalculable good, putting the immigrant in possession of statistics relative to this state, which, since its discontinuance, he has been left in profound ignorance of, likewise protecting him as it had power, from the flagrant abuses and unholy impositions he is now subjected to.

The total expenses of my office is two thousand five hundred dollars. I have paid out of said amount for office rent, clerk hire, postage, stationery, light, fuel and all other office expenses.

During the year I have used my best endeavors to promote the comfort and give all the information and render all the assistance in my power to those with whom official duties have brought me in contact. And with a view of disseminating more extensive information concerning this state, I have forwarded to foreign countries whence immigration springs, pamphlets, maps and statistics relative to our resources and industries. I have good reason to think that immigration will receive a new impulse next year, and that our several industries will be called upon to expand so as to make room for those who seek to escape from out the prison of their mean estate. Transplanted to our soil, the hardy mountaineers of Norway and Sweden, the natives of the German Empire, the French and Swiss republics will soon become valuable citizens, their many

virtues well fitting them to appreciate and enjoy the priceless boon of liberty and equality before the laws, which our institutions guarantee to all.

It gives me pleasure to take advantage of this opportunity to make favorable mention of the willingness evinced at all times and under all circumstances by the municipal authorities of the city of Milwaukee to assist me, likewise to record the humane and praiseworthy treatment accorded to the immigrants by the Milwaukee and St. Paul Railway Company.

I have also taken abstracts from different reports in the United States, giving statistical information of the manufacturing and agricultural interests of the state, and on immigration.*

All of which is respectfully submitted,

M. J. ARGARD,
Commissioner of Immigration.

*Statistical tables omitted from printed report in accordance with chapter 82, laws of 1874.

PHYSICIAN'S REPORT.

WAUPUN, October 1, 1874.

To the Directors of the Wisconsin State Prison:

In accordance with the established custom, I have the honor to present my annual report of the condition of the medical department of Wisconsin State Prison, ending September 30, 1874.

The number of prisoners during the year was 308.

There has been but one death since our last report. Samuel Stowe died November 30th, aged 69 years, of disease of the heart.

We are thankful to report the general good health of the prisoners. No contagious or malignant disease has prevailed. No serious or fatal accidents have occurred.

The food has been of good quality, wholesome and nutritious, and sufficient in quantity. The clothing has been such as to ensure comfort and protection against the changes incident to climate, and cleanliness is at all times strictly enjoined. There is no doubt but the sanitary condition is in a great measure due to these means.

In my last report I called special attention to the insane inmates of the prison. I cannot say there is anything encouraging in their improvement. May we not hope some action will be taken by the directors, and such importance given to the subject as justice and humanity demand.

I am under renewed obligations to the warden and officers for assistance in the discharge of my official duties.

H. L. BUTTERFIELD, M. D.

Prison Physician.

DISEASES TREATED IN HOSPITAL.

Asthma	2
Accidents by machinery.....	6
Bronchitis.....	2
Catarrhal fever	4
Cystitis.....	1
Cong. lungs	2
Cong. liver	1
Dysentery	8
Diarrhoea	2
Disease heart.....	1
Disease spleen	1
Erysipelas.....	2
Fractures.....	2
Gastrites	1
Int. fever.....	2
Jaundice	2
Rheumatism.....	2
Syphilis.....	2
Gun shot wound.....	2
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CHAPLAIN'S REPORT.

I have so recently assumed the chaplaincy of this prison, that to me the work is new and strange, yet full of interest.

When the position of chaplain was tendered me, I had never entered such an institution as a "state prison," consequently had but little idea of the duties or responsibilities connected with it, but being impressed with a sense of duty, I entered upon the work.

In the commencement of my labors, I was pleased to witness the interest manifested by the Warden, Hon. H. N. Smith, and his deputy, Hon. S. D. Hubbard, for the welfare of those under their charge, and also their willingness to assist me in any enterprise tending to the intellectual and moral improvement of these unfortunate beings.

Although I cannot say that the work is pleasant, in every respect, yet I feel a strange interest in it, and a growing attachment for it, and my strongest sympathies are being enlisted.

About the time I entered upon my work, a convict said to me: "Chaplain, you have come to cultivate a stony soil."

This is a truth I fully realize; and yet am encouraged by the thought, that through the vivifying influences of the Holy Spirit, and the showers of divine grace, it may become fruitful and yield a joyous harvest.

I never had a field of labor demanding more earnest Christian effort, or one where there was a better opportunity to work for the Master, or so much to enlist my sympathies and engage both hands and heart.

In my intercourse with these unfortunate persons, I find them susceptible of good impressions, ready to hear the truth, and some of them willing to obey it, and by these things I am sustained, cheered and encouraged in my efforts to benefit these, whom Jesus "came to seek and save."

PRISON SCHOOL.

The prison school is doing a wood work. It is composed chiefly of those whose early education has been neglected.

I see illustrated here, more than ever before, that ignorance is a prolific source of crime, and I am satisfied, that the primary cause of many being incarcerated in prison is ignorance and consequent unfitness or inability to earn an honest livelihood.

And one effectual means of moral improvement, is to improve the intellect.

The only acquaintance many of these men have, even with the rudiments of the common branches of English education, has been gained at the "Prison School." They seem deeply interested in their several studies, they are well behaved and respectful to their tutors, and are really in earnest to improve the opportunity thus afforded of acquiring a knowledge of those branches of education which will fit them for usefulness in after life; and some of them have made considerable proficiency in their studies, and will leave the prison inspired with new thoughts and purposes, and better prepared to act well their part in life, and thereby prevented from relapsing into dishonesty and crime.

PRISON CHURCH.

In addition to the regular church service held each Sabbath morning, which every convict is required to attend, we have on Sabbath evening, a social religious meeting, attendance upon which is voluntary, being more particularly designed for those inmates of the prison who may *desire* special religious instruction and encouragement in religion.

It is not to be understood, that *all* who attend this meeting are, or even profess to be Christians, yet I believe that some are really such; and if released from imprisonment, would become active members of the Christian church, and useful in promoting the cause of Christ.

I am aware there is amongst prisoners a tendency to hypocrisy, and impure motives prompt a profession of goodness, but after making due allowance for these, we have still evidence that the chaplain's labors are not in vain, for here is fruit that will remain unto eternal life.

PRISON LIBRARY.

The prison library is also a source of much pleasure and profit to the convicts.

Reading good books must necessarily have a beneficial influence over them. It occupies the mind, and has a tendency to awaken self respect.

Intellectual culture has much to do in forming and governing the heart, and the chief means of this culture is reading good books.

To me, it seems difficult to conceive of any place where books could do as much good as in a state prison.

If the mind is preoccupied with intellectual recreations, there will be an exclusion of base passions and vicious sentiments, hence good books are an important auxiliary in effecting a moral and spiritual renovation.

The prison library is doing its legitimate work, but needs to be replenished, and I would respectfully suggest the necessity of making an annual appropriation of at least one hundred dollars for this purpose.

LIFE SENTENCES.

At the present time there are forty convicts whose term of imprisonment "expires at death."

Since I assumed the office of chaplain, several have been thus sentenced, and this has led me to reflect upon the subject of "life sentences."

Imprisonment is for the protection of society, and in the absence of capital punishment, I believe life sentences to be necessary.

But while men are sentenced to imprisonment for life, I am of opinion the sentence should be mitigated somewhat by the idea of hope, a hope of restoration to liberty and friends, after a given number of years, if their conduct should be uniformly good and such as to entitle them to liberty.

In the case of convicts, sentenced here for a long or short term, except for life, the law makes provision for the reduction of time, five days per month, for good conduct, a wise and merciful provision, which is as a bright star in the horizon, to which they constantly look and rejoice, that in this matter, they are enabled to work out their own freedom.

Why should there be exception; and men compelled to pass a

long dreary night of pain, and woe, which in the present life cannot be succeeded by morning?

There are "life members" in Wisconsin State Prison to-day, who for many long, weary years have silently and patiently suffered the restraints, shame and humiliation of prison life, who, if released, would lead lives of honesty and usefulness, and be a blessing in any community.

And for the sake of such men, I would plead, and ask the legislature to duly consider the subject, and enact a law embodying the elements of both fear and hope, so that while there would be a fear of imprisonment for life, hope might point to a period when release would come, if the conduct and reformation should warrant.

PERSONAL.

As I have frequent and intimate converse with the prisoners, and know their feelings and sentiments, it is proper I should say in behalf of the warden, that he is eminently fitted for his present position.

Notwithstanding the difficulties attending the faithful performance of his duties, he has proved himself equal to the task.

The interest he has manifested for the welfare of these unfortunate persons, and in the government of them, reorganizing them as men, ever combining kindness with firmness, is having a salutary influence over them, and doing much to aid in their elevation and reformation.

Respectfully submitted,

E. TASKER,
Chaplain.

WAUPUN, Wis., Sept. 30, 1874.

DOCUMENT 13.

FIFTEENTH ANNUAL REPORT

OF THE

MANAGERS

OF THE

WISCONSIN

INDUSTRIAL SCHOOL FOR BOYS

FOR THE

FISCAL YEAR ENDING SEPT. 30, 1874.

MADISON, WIS.:

ATWOOD & CULVER, PRINTERS AND STEREOTYPERS.

1874.

MANAGERS.

Terms expire April 8, 1875.

ANDREW E. ELMORE,	- - - -	FORT HOWARD.
SAMUEL A. RANDLES,	- - - -	WAUKESHA.

Terms expire April 8, 1876.

WILLIAM BLAIR,	- - - -	WAUKESHA.
EDWARD O'NEILL,	- - - -	MILWAUKEE.

Term expires April 8, 1877.

CHARLES JONAS,	- - - -	RACINE.
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OFFICERS OF THE BOARD.

EDWARD O'NEILL,
PRESIDENT.

WILLIAM BALIR,
VICE PRESIDENT.

ANDREW E. ELMORE,
TREASURER.

CHARLES R. GIBBS,
SECRETARY.

Regular meetings of the Board of Manages held on the second Wednesday in January, April, July and October.

OFFICERS OF THE SCHOOL.

A. D. HENDRICKSON,
SUPERINTENDENT.

MRS. O. D. HENDRICKSON,
MATRON.

THE WISCONSIN INDUSTRIAL SCHOOL FOR BOYS,

Is situated about three-fourths of a mile west of the railroad depot, in the village of Waukesha, the county seat of Waukesha county, Wisconsin. It was organized as a House of Refuge, and opened in 1860. The name was afterwards changed to State Reform School, and again to Wisconsin Industrial School for Boys, its present title. The buildings are located on the southern bank of Fox river, in view of the trains as they pass to and from Milwaukee and Madison, presenting an attractive front to the traveling public, and furnishing the best evidence of the parental care of the state authorities for the juvenile delinquents within our borders. The buildings include a main central building three stories high, used for the residence of the superintendent's family, chapel, school rooms, office, dining and lodging rooms for officers, teachers and employees, furnace room, cellar and kitchen. On the east of the main central building are three family buildings, three stories high, each with dining hall, play room, bath room, dressing room, hospital room, officers' room, dormitory and store room. On the west of the main central building are two family buildings like those on the east in all respects. The family buildings were intended to accommodate 30 to 36 boys each. The main central and family buildings here spoken of are built of stone, with slate roofs, and are intended to be substantially fire proof. They are provided with hard and soft water force pumps, hose and extinguishers. In addition to these buildings and in rear of them, are two stone shop buildings three stories high, with slate roofs, which embrace laundry, steam drying room, tank room, store, cellar, cane seating shops, correction house, shoe shop, tailor shop, carpenter shop, paint shop, broom shop and store rooms. Of wooden buildings, there is a convenient barn, with sheds for cattle and cellar for roots. A first class piggery, with stone base and storage above for corn, etc., a poultry house, an ice house, slaughter house and tool house. There is also a wooden building with stone basement, formerly used for

shops, now used for bakery, boys' kitchen and bath room in the basement, and for a family of boys in the two upper stories. There is another wooden building formerly used for girls, since removed, stone basement added and intended to accommodate 30 to 36 boys. This building is two stories high above basement. There is on the farm a comfortable house and barn for the use of the farmer and his family. The farm consists of about 233 acres of land, the most of it under good cultivation.

MANAGERS' REPORT.

To his Excellency, WILLIAM R. TAYLOR,

Governor of the State of Wisconsin :

The fifteenth annual report of the Managers of the Wisconsin Industrial School for Boys, for the year ending September 30, 1874, is herewith respectfully presented:

The number in school at the beginning of the year was	281
Number received during the year	115
Returned from out on ticket	4
Returned escapes	2

Whole number in school during the year.....	<u>402</u>
---------------------------------------------	------------

Whole number in school since July, 1860.....	<u>1,081</u>
----------------------------------------------	--------------

Returned home on ticket.....	50
Sent out to place.....	26
Returned to magistrates, illegally committed.....	3
Sent to deaf and dumb asylum.....	1
Out on furlough	4
Lost by death.....	7
Lost by escape.....	10
On record, September 30, 1874	301

Total.....	<u>402</u>
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The bills audited and allowed during the year amount to the sum of \$48,453.02, classified as follows:

1 Amusements and means of instruction.....	\$1,044 43
2 Clothing	3,909 90
3 Drugs, medicine and medical service.....	595 19
4 Farm and barn expenses (exclusive of salaries and wages).....	1,194 65
5 Fuel	2,038 51
6 House furnishing	4,158 80
7 Laundry and cleanliness	890 36
8 Live stock.....	210 00
9 Lights (exclusive of fixtures)	540 17
10 Liquors .....	.....
11 Managers' expenses.....	881 70

12 Manufacturing	2,166 46
13 Miscellaneous purposes	1,501 87
14 Permanent improvements	4,368 77
15 Repairs, ordinary	1,399 99
16 Salaries and wages	13,939 30
17 Subsistence, breadstuffs	5,083 67
18 Butter, coffee, eggs, fruit and lard	1,779 91
19 Meat—beef, mutton, pork, fish and poultry	1,468 45
20 Sugar, white and brown	1,484 60
21 Tea	92 22
22 Vegetables	380 69
23 Miscellaneous articles of subsistence	823 38

It will be seen that the Industrial School has continued to grow in numbers, in usefulness and in the estimation of its friends and the public. Visitors during the year have numbered thousands, instead of hundreds, as heretofore, and their testimony, almost without exception, is such as the friends of the school would desire. The history of the institution for the year furnishes additional evidence of the wisdom and sagacity of its founders, as well as of the legislatures who have so generously endowed and provided for all our benevolent institutions. In reviewing the operations of the year with a view to arrive at correct conclusions, a variety of considerations present themselves not generally noticed or properly estimated. The early history of the boys, the character of their homes, their daily habits and associations, their occupations or want of occupation, their parentage, orphanage or half orphanage; their education, whether in the school, the street or saloon, these and the like considerations press upon us, and any opinion formed or expressed without reference to them, is necessarily unreliable. The records of their antecedents show a lamentable state of facts in the cases of a majority of our inmates. Few persons know, fewer yet properly appreciate, or will take the trouble to examine and learn the causes which have sent, and are still sending so many boys here. If the attention of parents and guardians could be successfully called to these matters as ours is, possibly we should have fewer inmates. The want of a good home, with all that accompanies it, the influence of right minded parents, brothers and sisters, the association of orderly companions, the advantages of good schools and religious teaching, all these are frequently wanting and substituted by what almost inevitably sends a boy to the Industrial School. It is intended that the school shall remedy the evils resulting from this condition of things. To do this successfully requires ample room and means, continued effort, patience, judgment and time.

With all these provided, it is not absolutely certain that all the reprobate boys in the state will be made first class citizens, but it may be reasonably expected that a large proportion of our boys will become self-supporting, law abiding men, instead of paupers or criminals.

In our last report, we presented the crowded condition of our dormitories and play rooms, and asked an appropriation for an additional building. We presented the estimate of the superintendent as to its necessity and probable cost. The State Board of Charities and Reform, after a thorough examination of the whole subject without any disposition to favor it in advance, indorsed the recommendation of this board and the superintendent, but the legislature saw fit to refuse the appropriation. The result has been that we have, since the date of our last report, suffered more from sickness and death than in all the previous years of our existence as a school. Our physician unhesitatingly attributes this to the overcrowded condition of our dormitories. We have been compelled to lodge fifty or more boys where only thirty and thirty-six were provided for, and we are not willing to be held accountable for the result. Our superintendent and matron, our officers and teachers, and every one connected with the school, who have escaped sickness themselves, have done every thing in their power night and day, for the sick. In spite of the kindest nursing and care, the best of medical attendance and constant vigilance, our calls upon the physician and undertaker have been more frequent than ever before. It is a matter of such importance as to cause the most anxious solicitude among the parents and guardians of the boys here, as well as with the managers, officers and friends of the school. During the winter, we had nearly a hundred boys attacked with scarlatina; none of these cases proved immediately fatal, but the boys were left in an enfeebled condition, susceptible to the attack of other diseases, with lessened power of resistance; and one subsequently died of lung disease, the effect of scarlet fever. The hospital service during the year has been increased beyond precedent with us. Typhoid fever has been the prevailing disease, and its ravages have not been confined to the boys. Our baker, Mrs. Hemsly, was buried a few weeks ago. Miss Champion, one of our most valued teachers, was buried in February. At the present writing, three of our officers are disabled by sickness — one regarded as dangerously ill — we have thirteen boys under the care of the physician. We can-

not withhold the expression of our anxiety at this state of the health of the institution. Time, that is needed for the discharge of ordinary duties and for rest, is necessarily devoted to the sick.

Notwithstanding we have suffered so much, we are enabled to present a fair exhibit from the farm, garden, shops and school, and to report some needed and valuable improvements such as we felt compelled to make. The history of the school is satisfactory, except as to sickness, and what has caused it and resulted from it. We have felt bound to release many boys who were not yet prepared to leave, in order that the condition of those remaining might be more tolerable. It is not probable that the subsequent course of these half reformed boys will reflect much credit upon the school, but their premature release seemed forced upon us. Family building No. 7, built of wood before the burning of the old reform school building, and, with reference to the location of the old building, was objectionable by reason of its location, and we have removed it, remodeled it, put under it a stone basement, and we think, in its present condition and in its present location, it may be regarded, as to health, convenience and appearance, an improvement eminently fit to be made. The land rented for the use of the school for the three past years has yielded satisfactory returns. The effort to increase the productive power of the school farm by the purchase and application of manure, has been continued with good effect, and promises to bring the land into profitable farming condition if persisted in. The products of the shoe and tailor shop as to amount and quality, show commendable diligence on the part of those in charge, and are creditable to the boys. A respectable boot or shoe, or any outside garment, can be obtained in the school, and the boys are well and comfortably provided for in all matters of dress. For details of the productions of farm, garden and shops, we refer to the report of the Superintendent.

The cane-seating business still continues to meet our entire approval. We have added to our list of employes a mason, who is also a stone cutter. We have boys who wish to perform this kind of work, the material is within our reach and we think the experiment promises well. We think of employing a painter with a view to make it permanent, if experience shall justify. The growth of the nursery is very gratifying, and will soon furnish the means of beautifying the farm and grounds, with but trifling expense. Our improvements already made are worthy of a state, watchful over its

humblest citizen, and generous in providing the means of reformation for its juvenile offenders, but there is, in our judgment, an imperative necessity to furnish additional room to secure reasonable health and to enable us to properly use the room already provided for general purposes. We again recommend the establishment of a reformatory for girls. We refer to the paper of Mrs. Lynde and the letter of Mrs. Hendrickson, contained in the last report of the state board of charities, if anything is needed to show the reasons why such an institution should be organized in Wisconsin. In the completion of the buildings, and in the making of many valuable repairs and improvements, the services of the inmates have essentially aided us to keep within the appropriations. We are enabled thus to save the state during every season a heavy outlay, which does not appear as the labor is so diversified as to quality and time that it is difficult to present any accurate statement, but in the aggregate, this work is greatly advanced and the state benefited. The labor on the farm is more remunerative than in the shops. It is pursued by the least skillful boys, who are most likely to make farming their business after they leave us, and in view of these facts, we think a large farm is more desirable than larger workshops. The winter must be provided for, but when we consider the want of educated farm labor in the country, it may be well to direct our efforts more to supply that want than to fill the mechanics shops. We estimate our expenses for the present year at thirty thousand dollars, in addition to what will be received from counties.

We shall need for building purposes the sum of \$15,000 to erect a family building, carriage and horse barn and to alter the building now used for bakery and boys' kitchen, and to make necessary repairs, making in all to be appropriated by the legislature, the sum \$45,000. To erect these buildings, and make the contemplated improvements, will, in our estimation, cost at least \$18,000, and some of us think \$20,000, but with the aid of our boys, teams, etc., we hope to do it for the sum asked for. We make our estimates with reference to the stringency of the times, the depression in all branches of business and the universal desire to economize and retrench. The demands of our increased and increasing numbers would justify much larger expenditures than we are contemplating, a wise economy and a decent regard to health and comfort forbid a smaller outlay.

We desire to renew the expression of our entire confidence in

the integrity and efficiency of our Superintendent and Matron. The unusual amount and severity of the sickness in the school for the past year has increased largely their labor, and afforded additional evidence of their willingness and ability to meet the emergency. We take pleasure in making this record of our appreciation of their services. We publish the laws as now in force governing the institution, with the hope that the irregularities in commitments may be rendered less frequent. All of which is respectfully submitted.

EDWARD O'NEILL,
ANDREW E. ELMORE,
WM. BLAIR,
S. A. RANDLES,
CHAS. JONAS,

Managers.

WAUKESHA, October, 1874.

TREASURER'S REPORT.

To the Managers:

There was a balance to current expense account as per last report—including amount estimated for furnaces, gas works and fixtures, vouchers for which as allowed, are in the first quarter's expenditures, as herein reported—

The sum of	\$20,250 48
Received from state treasurer, as paid by counties	8,188 50
Appropriated by legislature of 1874.....	31,000 00
Transferred from building account, as directed by legislature...	2,951 55
To close building account, to balance	92 81
Received from superintendent.....	4,910 58

Total amount to Cr	\$67,898 87
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Accounts audited, allowed and paid—

First quarter	\$15,928 72
Second quarter.....	10,615 86
Third quarter.....	10,194 50
Fourth quarter.....	11,719 44
	<u>48,458 02</u>	

Which would leave a balance of	\$18,940 85
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Building account, per last report.....	\$80,690 41
Vouchers on hand at last report and since paid....	\$27,646 05
Transferred to current expense account.....	2,951 55
Transferred, to balance account.....	92 81
	<u>80,690 41</u>

Respectfully submitted,

ANDREW E. ELMORE,

Treasurer.

WAUKESHA, November 6 , 1874.

SUPERINTENDENT'S REPORT.

WISCONSIN INDUSTRIAL SCHOOL FOR BOYS,

WAUKESHA, Oct. 10, 1874.

To the Board of Managers:

GENTLEMEN:—In obedience to law and usage, I again present you with the annual report of this institution. How brief the year looks in the retrospect. It has been one of activity, anxiety and care, yet as I trust and hope, fraught with results both satisfactory to you and beneficial to the state.

Varying from my usual method, I propose to present first, all the tabular statements, hoping by so doing, to condense and abbreviate my report without detracting from its value.

For convenient reference to the tables, the following order is here stated:

- Table No. 1 shows the number of inmates each year since the school opened.
2 shows the number of inmates received and discharged during the year.
3 shows the number committed each month.
4 shows the offenses for which they were committed.
5 shows the courts by which they were committed.
6 shows their ages at date of this report.
7 shows the counties from which they were committed.
8 list of counties and amounts charged to each for those committed for vagrancy, incorrigibility or vicious conduct.
9 shows the birthplace of inmates.
10 shows the nationality of parents.
11 shows the social and domestic relations.
12 shows the deaths of the inmates since the opening of the school.
13 shows the division of labor.
14 shows work done in shoe shop.
15 shows work done in tailor shop.
16 shows work done in broom shop.

Table No. 17 shows work done in cane shops.

18 shows work done in sewing department.

19 shows work done in knitting shop.

20 shows the live stock.

21 shows the farm products.

22 shows the garden products.

23 shows cost for support of inmates per capita.

The whole number of inmates in this institution, since its opening in July, 1860, to September 30, 1874, is 1,081.

Of this number 73 were girls and 1,008 were boys.

TABLE No. 1

Shows the number of inmates each year since the school opened.

YEAR.	Boys.	Girls.	Whole No. at close of year.	Whole No. during year.
Jan. 1, 1861.....	82	7	89	89
Oct. 10, 1861.....	85	5	40	81
Oct. 10, 1862.....	51	4	55	80
Oct. 10, 1863.....	59	13	72	98
Oct. 10, 1864.....	117	20	137	155
Oct. 10, 1865.....	134	21	155	245
Oct. 10, 1866.....	118	16	134	209
Oct. 10, 1867.....	143	12	155	217
Oct. 10, 1868.....	149	14	163	227
Oct. 10, 1869.....	163	13	173	233
Oct. 10, 1870.....	204	2	206	293
Oct. 10, 1871.....	237	2	239	288
Oct. 10, 1872.....	278	.....	278	347
Oct. 10, 1873.....	281	.....	281	362
Oct. 10, 1874.....	301	.....	301	402

TABLE No. 2.

Shows the number of inmates received and discharged during the year.

Number in school, October 1, 1873	281
committed during the year.....	113
recommitted during the year.....	2
returned from out on ticket	4
returned escapes of past year.....	2
Total.....	402

Number returned to parents or guardians on ticket of leave.....	50
out to place on ticket of leave.....	26
returned, illegally committed	8
sent to the Deaf and Dumb Asylum	1
out on furlough	4
of deaths	7
of escapes	10
on record, October 1, 1874.....	801
Total.....	402
Smallest number at any time during year.....	281
Largest....do.....do.....do.....	805
Average...do.....do.....do.....	293

TABLE No. 3

Shows the number committed each month:

October	8
November.....	10
December	5
January	6
February.....	6
March	6
April	16
May.....	8
June	18
July	16
August.....	11
September.....	10
Total....	115

TABLE No. 4

Shows the offense for which they were committed.

	Previous years.	Past year.	Total.
Vagrancy	46	14	60
Larceny	105	48	153
Incorrigibility.....	180	44	174
Burglary	4	5	9
Arson	1	.....	1
Assault and battery.....	1	1	2
Intoxication.....	.....	2	2
Misdemeanor.....	.....	1	1
Totals.....	287	115	402

TABLE NO. 5

Shows the courts by which they were committed.

	Previous Years.	Past Year.	Total.
Justices' courts.....	206	68	274
Municipal courts.....	53	25	78
Circuit courts.....	7	3	10
Police courts.....	21	.....	21
County Judge.....	.....	19	19
	287	115	402

TABLE NO. 6

Shows their ages at date of this report.

	Previous Years.	Past Year.	Total.
Nine.....	.....	1	1
Ten.....	3	18	21
Eleven.....	18	14	32
Twelve.....	22	22	44
Thirteen.....	31	19	50
Fourteen.....	50	20	70
Fifteen.....	55	21	76
Sixteen.....	36	.....	36
Seventeen.....	47	.....	47
Eighteen.....	17	.....	17
Nineteen.....	6	.....	6
Twenty.....	2	.....	2
	287	115	402

Recapitulation.

Average age of previous years.....	14.8
past year.....	12.6
Total.....	<u>14.2</u>

TABLE NO. 7

Shows the counties from which they were committed.

COUNTIES.	Previous Years.	Past Year.	Total.
Manitowoc	4	4	8
Jefferson	12	1	13
Iowa	2	1	3
Sauk	6	.....	6
Rock	12	4	16
Kenosha.....	9	1	10
Milwaukee	39	18	57
Walworth	4	10	14
Fond du Lac.....	34	7	41
Sheboygan.. ..	7	2	9
Green Lake.....	9	1	10
Dodge.....	11	5	16
Waukesha	9	2	11
Racine	8	3	11
Winnebago	21	10	31
Dane	16	7	23
Columbia.....	12	2	14
Brown	23	2	25
Crawford	5	1	6
Outagamie	4	6	10
Wood .....	.....	3	3
Pierce	1	.....	1
Monroe	2	.....	2
Green	5	2	7
La Fayette.....	2	3	5
Marathon	1	.....	1
Oconto	2	2	4
Richland	1	.....	1
Grant	5	3	8
Calumet.....	2	2	4
La Crosse.....	4	5	9
St. Croix.....	1	.....	1
Waupaca	1	2	3
Trempealeau	1	.....	1
Dunn	2	.....	2
Jackson	1	.....	1
Marquette	1	.....	1
Waushara	4	.....	4
Juneau	3	2	5
Eau Claire.....	1	2	3
Door .....	.....	1	1
Polk .....	.....	1	1
	287	115	402

TABLE No. 8.

List of counties and amounts charged to each for those committed for vagrancy, incorrigibility or vicious conduct.

NAMES OF COUNTIES.	Amount.	NAMES OF COUNTIES.	Amount.
Brown	\$507 50	Milwaukee	\$151 50
Calumet.....	78 50	Monroe	48 00
Columbia	323 00	Oconto.....	104 00
Crawford.....	247 00	Outagamie	184 50
Dane.....	557 00	Pierce.....	52 00
Dodge	321 00	Portage	52 00
Door.....	34 00	Racine	335 00
Eau Claire	78 00	Richland.....	52 00
Fond du Lac	1,423 50	Rock	370 00
Grant	200 00	Sauk	218 50
Green.....	208 00	Sheboygan	300 00
Green Lake	241 50	Trempealeau	52 00
Iowa.....	56 50	Walworth	242 00
Jefferson	286 50	Waukesha	273 50
Juneau.....	52 00	Waupaca.....	57 50
Kenosha	208 00	Wausara	156 00
La Crosse	252 00	Winnebago.....	564 50
La Fayette	128 00	Wood	91 00
Manitowoc	156 00		
Marathon	52 00	Grand total.....	\$8,750 00
Marquette	52 00		

TABLE No. 9

Shows the birthplace of inmates.

	Previous years.	Past year.	Total.
Wisconsin.....	181	77	258
New York.....	14	4	18
Illinois.....	12	5	17
Pennsylvania.....	2	3	5
Michigan.....	5	1	6
Ohio.....	2	1	4
Maine.....	2	1	3
Indiana.....	2		2
Maryland.....	1		1
Connecticut.....	1		1
North Carolina.....	1		1
New Jersey.....	1		1
New Hampshire.....	1		1
Mississippi.....	2		2
Rhode Island.....	1		1
Minnesota.....	3		3
Tennessee.....	1	1	2
Iowa.....	2		2
Massachusetts.....	5	1	6
Alabama.....	1		1
Scotland.....		1	1
England.....	1	1	2
Ireland.....	1		1
Canada.....	6	2	8
Denmark.....	1		1
Holland.....	1		1
France.....	1	1	2
Germany.....	9	4	13
Prussia.....		1	1
Poland.....		1	1
Austria.....		1	1
Norway.....	1		1
Unknown.....	25	9	34
Total.....	287	115	402

Recapitulation.

Number born in America.....	335
Number born in foreign countries.....	33
Number places of birth unknown.....	34
Total.....	<u>402</u>

TABLE No. 10

Shows the nationality of parents.

	Previous years.	Past year.	Total.
Americans	88	40	128
Irish	48	18	61
Germans	50	24	74
English	82	5	87
Colored	12	2	14
French	6	9	15
Scotch	5	1	6
Norwegians	8	6	9
Welsh	8	.....	8
Hollanders	8	.....	8
Bohemians	4	2	6
Danish	2	.....	2
Polish	2	2	4
Unknown	89	6	45
	287	115	402

TABLE No. 11

Shows their social and domestic relations.

	Previous years.	Past year.	Total.
Have fathers	164	77	241
mothers	175	86	261
both own father and mother	100	52	152
neither own father nor mother	55	7	62
no father	94	17	111
no mother	80	20	100
step fathers	29	21	50
step mothers	22	9	41
intemperate fathers	29	5	34
intemperate mothers	8	1	4
fathers and mothers separated	17	7	24
fathers and mothers both blind .....	.....	2	2
	287	115	402

TABLE No. 12

Shows the deaths of inmates since the opening of the school.

YEAR.	Age.	White.	Colored.	Typhoid Fever.	Typhoid Erysipelas.	Gastric Fever.	Brain Fever.	Nervous Fever.	Congestion of the Lungs.	Congestive Chills.	Consumption.	Droopy.	Inflamm-atory Rheumatism.	Total.
1867	16	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
1868	18	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
1869	14	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
1870	17	.....	1	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
1870	11	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
1870	11	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
1870	14	1	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
1872	13	.....	1	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
1872	16	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
1873	12	1	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
1873	13	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
1873	14	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
1873	11	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	1
1873	15	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
1874	12	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1
1874	13	1	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
1874	16	1	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
1874	14	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Total .....	.....	15	3	6	1	1	1	1	1	1	4	1	1	18

TABLE No. 13

Shows the division of labor.

No. employed in shoe shop.....	12
tailor shop.....	13
8 cane shops.....	130
broom shop, when running	8
knitting shop.....	20
laundry	13
family kitchen.....	2
boys' kitchen.....	9
dining rooms.....	8
dormitories.....	7
bath and play rooms	7
school rooms and library.....	3
with carpenter.....	1
with painter.....	2
store	1
charge of teams and stock.....	8
on farm.....	24
garden	11
carrying wood and doing errands	2
pickets	2
chore boys.....	2
doing general work.....	8
Total.....	<u>298</u>

TABLE No. 14

Shows work done in shoe shop.

	Made.	Repaired.
Number pairs brogans	581	2,084
calf boots	88	.....
cowhide boots	18	.....
calf shoes	14	.....
calf bootees	8	.....
boots footed	5	.....
slippers	2	.....
boots fitted	24	.....
shoe laces	1,260	.....
suspenders strapped	824	490
mitts handed	17	150
Miscellaneous . . . . .	.....	51
Balls covered	40	.....
Harness . . . . .	.....	51

TABLE No. 15

Shows work done in tailor's shop.

	Made.	Repaired.
Number pairs pants	584	8,524
jackets	850	1,788
overalls	162	751
blouses	15	46
caps	296	162
sack coats	68	.....
vests	62	.....
aprons	25	12
overcoats	1	.....
bags . . . . .	.....	96
blankets (overcast)	40	.....

TABLE No. 16

Shows work done in broom shop.

No. dozen brooms, No. 12	351½
No. 10	146
No. 8	76
hard wood handles	6½
toy	1
brush	7½

TABLE No. 17

Shows work done in cane shops. Work done for Wisconsin State Prison.

Number of Boston rocker seats	679
Boston rocker backs	628
Grecian rocker seats.....	595
Grecian rocker backs.....	802
Miscellaneous rocker backs.....	198
Common Grecian seats.....	4, 196
Round seats	830

Work done for Empire Chair Manufacturing Company, Milwaukee.

Number of Office seats.....	2, 659
Office backs	72
Fine dining seats	6, 424
Coarse dining seats.....	8, 863
Grecian seats	182
Rocker seats	583
Stool seats.....	610
Miscellaneous seats caned.....	61

TABLE No. 18

Shows work done in sewing department.

	M	Repaired.
Number cotton shirts.....	433 }	6, 001
...do...woolen	126 }	
...do... socks		8, 145
...do...sheets	382	148
...do...bed ticks.....	60	415
...do...pillow ticks	63	126
...do...comfortables.....	60	114
...do...pillow slips.....	116	33
...do...towels.....	72	
...do...bed spreads.....	64	47
...do...blankets.....		62
...do...scarfs.....		20
...do...mitts		33
...do...carpets		9
...do...handkerchiefs, hemmed	628	

TABLE No. 19

Shows work done in knitting shop.

	Made.	Repaired.
Number pairs socks made	821	9
...do... socks footed	15	.....
...do... pairs suspenders	300	39
...do... pairs mitts	108	8

TABLE No. 20

Shows live stock.

Horses—2 Double Teams	4
1 Dray Horse	1
1 Single Horse	1
3 Old Horses	3
Total	<u>9</u>
Cattle—1 Yoke of Oxen	2
Bull	1
Cows (Milch)	11
Cows Dry	5
Four Year Olds	2
Three Year Olds	7
Two Year Olds	6
Yearlings	8
Calves	10
	<u>52</u>
Beef Cattle bought	7
Total	<u>59</u>
Hogs—Fattening	89
Stock	1
Breeding	3
Store	4
Spring Pigs	44
Small Pigs	28
Total	<u>119</u>
Chickens	<u>180</u>
Turkeys	<u>2</u>

TABLE No. 21

Shows farm products.

	ITEMS.	Value.	Value.
Wheat	No. acres, 26; No. bushels, 240, at 75c	\$180 00	.....
	Estimated No. tons straw, 15, at \$2.50.....	37 50	.....
Oats	No. acres, 24; No. bushels, 650, at 45c.....	292 50	.....
	Estimated No. tons straw, 15, at \$4.00	60 00	.....
Rye.....	No. acres, 7; No. bushels, 200, at 80c	160 00	.....
	Estimated No. tons straw, 8, at \$4.00	32 00	.....
Corn	No. acres, 50; No. bushels, 1,800, at 65c.....	1170 00	.....
	Estimated No. tons stalks, 65, at \$2.50.....	162 50	.....
Drill Corn..	No. acres, 8; estimated No. tons stalks, 6, at \$5.00.....	30 00	.....
Broom Corn	No. acres, 7; estimated No. tons, 2, at \$100..	200 00	.....
Beans	No. acres, 6; No. bushels, 37, at \$2.00.....	74 00	.....
Potatoes....	No. acres, 11; No. bushels, 575, at 40c	230 00	.....
Pumpkins..	No. loads, 50, at 75c.....	37 50	.....
Hay.....	Estimated No. tons, 35, at \$10	350 00	.....
			\$3,016 00
Milk	No. gallons, 7,500, at 8c.....	600 00	.....
Eggs	No. dozen, 198, at 12½c.....	24 75	.....
Poultry	Pounds, 150, at 8c.....	12 00	.....
Beeves	8, pounds, 4,820, at 7c.....	302 40	.....
Hides	10, pounds, 697, at 6½c.....	45 99	.....
Tallow	Pounds, 214	12 84	.....
Veal	8 head, pounds, 285, at 7c	16 45	.....
Veal Hides.	Pounds, 44½	4 25	.....
Pork	No. hogs, 35, pounds, 8,300, at 5c	415 00	.....
			1,488 68
Total....	.....	.....	\$4,449 68

TABLE NO. 22

Shows garden products.

Items.	Quantity.	Value.	Value.
Beets	750 bushels.....	\$0 15	\$112 50
Carrots	Estimated at 500 bus	25	125 00
Turnips	625 bus	15	93 75
Parsnips	15 bus	35	5 25
Onions	15 bus	50	7 50
Tomatoes	25 bus	25	6 25
Cucumbers, green	2 bushels.....	1 50	3 00
Cucumbers, pickled.....	7 barrels.....	4 50	31 50
Peas, green.....	25 bushels	60	15 00
Peas, dry.....	5 bushels	1 40	7 00
Beans, green.....	2 bushels	30	60
Cabbage.....	1000 heads.....	4	40 00
Sweet corn	200 bus. (ears)	25	50 00
Squashes, winter.....	4500 pounds	1	45 00
Squashes, early.	800 pounds.	1	8 00
Melons, water	50.....	6½	3 13
Radishes	3 bushels	50	1 50
Melons, musk	30	6½	1 87
Early potatoes.....	20	75	15 00
P. plant, asparagus and lettuce			15 00
Garden seeds, peas, melon, squash and cucumber			5 00
	FRUITS, ETC.		\$586 85
Currants	No. bushels, 6.	2 00	12 00
Apples .....	.....do 5.	75	8 75
Willow reeds, dry.....	1185 pounds	8½	96 47
Raspberries	½ bushel.....	4 00	2 00
Strawberries.....	1 bushel.....	4 00	4 00
			118 22
Total			\$705 07

TABLE No. 23

Shows cost for support of inmates per capita.

SUBSISTENCE.			CLOTHING.		
Whole Amount.	Per Capita Annually.	Per Capita Daily.	Whole Amount.	Per Capita Annually.	Per Capita Daily.
\$ c.	\$ c.	c. m.	\$ c.	\$ c.	c. m.
10,611 04	86 21½	9 .9	4,913 11	16 77	4 .6

SALARIES.			FUEL AND LIGHT.		
Whole Amount.	Per Capita Annually.	Per Capita Daily.	Whole Amount.	Per Capita Annually.	Per Capita Daily.
\$ c.	\$ c.	c. m.	\$ c.	\$ c.	c. m.
12,828 04	48 76½	12 .0	2,578 68	8 80	2 .3

ALL OTHER EXPENSES NOT INCLUDED IN THE ABOVE.			TOTAL EXPENSES.		
Whole Amount.	Per Capita Annually.	Per Capita Daily.	Whole Amount.	Per Capita Annually.	Per Capita Daily.
\$ c.	\$ c.	c. m.	\$ c.	\$ c.	c. m.
12,830 69	42 08	11 .5	43,256 56	147 63	40 .4

It will be seen that there is a discrepancy between this and the corresponding statements in the managers' report. In their statements are included the cost of permanent improvements, the materials consumed on account of clothing sold to outside parties, and the excess of stock in store this year over that on hand last year; whereas, in the above statement, we have exhibited only the cost of the materials actually consumed for the support of the inmates during the year.

A reference to a statement made on the first page of this report will show that the number of inmates has steadily increased from year to year from the commencement, except in 1866, "the year of the fire." During this time, the Milwaukee House of Correction

was established, which, I estimate, reduced the number of commitments nearly twenty per cent. In 1870, the law was so altered that boys only could be received, and at the same time, the board of managers was instructed to provide homes for the girls outside of the school. In 1872, the legislature reduced the limit of the ages from "between eight and sixteen" to "between ten and sixteen." Again, in 1873, the law was so altered that justices of the peace had no jurisdiction in cases of incorrigibility and vagrancy. This was done with the express purpose of reducing the number of commitments. At nearly every meeting of the board for years past, efforts have been made to provide places for as many as were in condition to be removed beyond the restraints of the school. In fact, we are constantly making efforts to lessen our numbers, and what is the result? *always crowded*. We continue to sleep forty, sometimes fifty persons in a dormitory, only suitable for thirty. This is not the fault of our system. It is only a lack of means to extend and carry out the system.

Have we not sufficiently demonstrated the poor policy of this scanty, I had almost said, niggardly way of doing business under the pretense of economy? To what cause can we attribute the sickness so prevalent at times, but the crowded state of our dormitories. In a town where stone, lime, sand and building material abound, it would seem that ample sleeping room could be provided by the state to render healthy and comfortable the inmates of her public institutions. If we had at our command the roomy halls of some of the other state buildings, our wants in this regard would be met. I hope that you, gentlemen, together with the board of charities and reform, every member of which I am sure will heartily support the measure, will once more lay this matter before the legislature. They will certainly meet this demand if they understand the necessity.

THE LIST OF BILLS

Appended, will show the amount of the year's purchases, and the articles purchased. As the average number of inmates exceeds that of any past year, the expenses are correspondingly increased. Sickness has been another cause of additional expense, demanding more help. The increased receipts from the farm and shops will make a partial offset to this.

TABLE No. 13,

Showing division of labor, deserves a passing notice. As our rule requires that "every boy should have a business and a place of business," of course the inefficient ones, of whom we have several, must be counted somewhere. The farm, garden and general work get the most of these; the cane and knitting shops a portion. To show the ratio of efficient help, the numbers in these departments should be reduced from ten to twenty-five per cent.

The broom shop is run only during the winter season. The correction house boys make the brooms and cultivate broom corn, and do general work around the grounds in summer. Such of the farm and garden boys, as are not needed to do farm work in winter, saw wood, keep the paths and walks clear, or work in the cane shops.

THE BRANCHES OF INDUSTRY

Have not changed from past years, except that mason work and stone cutting has been added. This is on a small scale as yet, employing only a foreman and five boys. They have been at work only a few weeks, but the prospect of this branch of industry is, in my estimation, flattering. Several important jobs have already been done quite satisfactorily. It promises two desirable results. Saving expense, and teaching boys a valuable trade. The latter is not the least important. Our plan is to run a stone yard winters and do our own mason work summers. If we can do our own repairs and plain work, and assist in building we shall save heavy expenditures. In case of building, a profitable winter's work will be furnished for our teams that would otherwise remain comparatively idle. Also by doing our own work, we will avoid bringing our boys in contact with mechanics, teamsters and others, often to their great detriment.

THE FARM.

I wish to repeat, with emphasis, what I have said in former reports. No other branch of business yields us so satisfactory returns as the farm. True, some years our crops have been light. They have, however, improved from year to year. The farm was "hard run" when we purchased it. Its productiveness improves each year. During the past year the good effect of thorough culture, manure and clover is more than ever apparent. We show

(Table No. 21) products of farm and garden amounting to over \$5,000. The land is better, worth more to-day, than it was a year ago. The most valuable product is not mentioned and its cash value affixed in this table. Some twenty to thirty young men are learning the best trade in the world. The one, too, that most young men are disposed to reject. Can the state of Wisconsin do better than to educate her sons to till the soil? Can health or wealth be secured with more certainty? I wish to speak modestly, but plainly, and say, if our line fences were moved east and west, until our area was just twice what it is to-day, we should not have one acre too much land. We would then hope to raise nearly, perhaps quite, our entire subsistence. Beef, milk, pork, poultry and vegetables could all be supplied, and a large share, if not all our butter, breadstuff and fruits. We have rented land for three years with good results. The products, this year, of 37 acres are valued at \$487.50, and we paid \$206 rent, giving us \$281.50 for our labor and seed. Meanwhile we have been *improving our neighbors' land*.

I have included the GARDEN with the farm in the above. For particulars of either, see Tables No. 21 and 22.

THE SHOE SHOP

Has done well this year. With twelve boys, it has made and mended all the shoes and boots worn by inmates, and we have, perhaps, one-fourth year's supply ready on hand. We have also made and sold to outside parties to the amount of \$264.79.

THE TAILOR SHOP

With thirteen boys has made and mended for over three hundred boys. Will the reader think a moment what the wear and tear of three hundred boys is for twelve months? In addition to this, nearly all the boys discharged have had a new citizen's suit on leaving, and the sales to outside parties have been \$287.73.

THE BROOM SHOP

Has run five and one-third months. The sales amount to \$982.15. Some brooms are yet on hand. The price of brooms has been unexpectedly low, and last fall, when we purchased, stock was high, and we have run at very little profit pecuniarily. Still, considering the winter employment thus furnished the boys, I do not consider the broom business a losing one to the state.

THE THIRD CANE SHOP

Has been started this year. We have now about one hundred and forty boys caning. This occupies a class of boys too small for the farm or for heavy work of any kind. They work four hours per day, at small pay to be sure, but in the end, the aggregate is a net item of cash, and is much to be preferred to idleness. For the Empire Chair Manufacturing Company, of Milwaukee, the caning amounts to \$1,468.51; for the State Prison, \$846.40; miscellaneous, \$33.45; total, \$2,348.36.

THE KNITTING SHOP

Is run by one of the female teachers. With an average of twenty boys—the smallest in the school—they have converted about \$185.00 worth of yarn into socks, suspenders and comforters sufficient to supply the wants of the school, with a trifling exception. This also is better than idleness and mischief.

THE SEWING DEPARTMENT

Embraces the matron, the family women and any other woman whose time is not fully occupied otherwise. About \$650.00 in value of cotton cloths, prints, batts, crash, etc., have been made up for the use of the institution. In addition to this, the mending of all the boys' underclothes, socks and bedding is done here.

The sympathy of the state is due the tailor shop and sewing room, in consideration of the patching, darning and buttoning of jackets, pants, caps, bed clothes, shirts, and especially the socks.

I am disposed to think that the time is not far distant when still other branches of industry may be added. A blacksmith shop and a tin shop would each be adapted to our needs and capacities. If they did not bring in revenue, they would do what is of great value, they would furnish opportunity to develop the mechanical skill, that certain of our boys possess, and thus enable the school to turn out its human wares in greater variety and better quality.

The discharged inmates of this institution find employment largely on the farm, but they are to be found in counting houses, stores, machine shops, factories, on railroads and steamboats. Not one, to my knowledge, at this writing, is in the state prison or in any other reform institution of the country, and but one in the common jail. And this single exception was a notorious character

while here, and a notorious escape when he was "discharged." We can enumerate scores to-day who were idle and worthless before their connection with the school, who are now steady, industrious boys and young men; in many cases aiding their parents materially in the support of the family. Such statements as the following, just received from responsible parties, are frequent: "L—— W—— resides with his parents, works regularly, earning and receiving about nine dollars per week—his conduct is in all respects good." Another, "N—— K——, is behaving himself well; is making new cane seats and repairing old ones, and assisting his mother nicely." I have yet to learn of a single instance of a boy, except a few escapes, who, after leaving the school, did not do better than before he entered. Some do not manifest the improvement desired, but as a rule, even these are more industrious, more obedient and less inclined to rove. See "Boys and friends' letters," in appendix.

THE DIVISION OF TIME

Is nearly the same as in past years. Eight hours of each day in winter and nine in summer, are devoted to school and work. During the winter, the time devoted to school is four hours and to work four hours. In summer, the school time is four hours per day and the work five. Each half day, except Saturday afternoon and Sunday, has its work session and school session, with a recess intervening. Saturday afternoon has a short work session; the balance of the time is devoted to recreation and other miscellaneous duties.

The small boys' work time is one hour less per day than the above.

In summer, inmates rise at	5.30
And retire at.....	8.00
In winter, they rise at.....	5.45
And retire at.....	8.00

From the above, it will be observed that eight or nine hours of the twenty-four are devoted to active employment, about the same to sleep, and six or seven to meals, reading, devotional exercises and recreation.

Exceptions to the above rule: In the busy seasons of planting and harvesting, some teamster and farm boys are kept to work the entire day.

With solid satisfaction I direct your attention again to the working of our

CORRECTION HOUSE

Department. I spoke of this in my former report confidently. It had then been in operation only three months. We have now demonstrated its utility and can testify to its good results. It will be remembered that the correction house proper, as we have it now arranged, has accommodation for ten inmates only. During the fifteen months of its existence, twenty boys have been confined in it. Eleven have been released from it and restored to their family relations in the school. Seven of these have left the school and so far as heard from are doing well. The other four continue to maintain good standing in their respective families; one only has been returned for a second trial. Seven of the nine remaining have spent less than three months there. With one exception all are making good progress. These boys work three sessions and spend one in school, studying their lessons during the intervals. Now to state the results in short. These boys make more progress in reform, accomplish more work, and progress in their studies as well, if not better, than any equal number of boys in the institution.

These results, considering the character of these boys, justify us in regarding the correction house as an entire success. Other inmates would have profited by the same treatment, but for lack of room, could not be admitted. This department admits only boys of a larger class. Still another room has been fitted up this season in the same (shop) building, arranged to accommodate fifteen. This is not divided into individual apartments like the former. By this arrangement the crowded condition of other dormitories is relieved and another class of very disorderly boys is brought under wholesome restraint. These are smaller boys but equally in need of strict discipline. What we need is a building suited to the accommodation of this class of refractory boys. The rooms now used for correction house purposes are in the shop building, and are needed for mechanical purposes. Let it be once understood among them that accommodations are always at hand in the correction house for any inmate who persists in disobedience, and very little other punishment would be demanded. To grade up, degrade, and as a last resort sentence to the correction house, would, as I believe, constitute the essential features of the needful discipline and punishment. The building should be larger than a family building and should contain a school room. The dormitory should be divided into sepa-

rate sleeping apartments. A yard, including a work shop or other provision for work suited to their necessities, should surround the whole. In this department, work takes the place of play. Work, loss of privileges and surroundings, that constantly induce reflection are powerful incentives to right doing. One consideration more, in this connection, is all important. By this arrangement, all boys whose influence is pernicious, can be removed from the body of the school. Much of the disturbance in schools of this character arises from the pernicious influence of certain leaders. Remove the leader and the disturbance ends. With this provision, boys older than sixteen might be received with safety, and thus placed under reformatory influences instead of being incarcerated in a state prison, many of whom would be saved and restored to society. The penitentiary system of our state is deficient in not making provision for the reformation of young men between sixteen and twenty. Give these young men some trade or skill in some remunerative business, and the majority of them will add to the wealth instead of the expense of the state.

Since last November, we have had seven

FAMILIES

Besides the correction house and farm.

These are the boys' homes.

They are named and officered as follows:

FAMILY.	Family Men.	Family Women.	No. Boys.
One	Wm. H. Sleep.	Mrs. H. A. Sleep.....	42
Two	E. Wood	Mrs. L. Wood	48
Three	M. H. Warner	Mrs. J. Plympton.....	50
Four	J. B. Vandervort.....	Mrs. C. J. Storms	47
Five	J. W. Dinsmore.....	Mrs. J. Sperry	43
Six	B. B. Monroe	Mrs. E. Jones.....	37
*Seven .....	.....	.....	.....
Correction House	R. W. Smith.....	Mrs. M. A. Towsley....	10
2d dep't. .do....	E. Donaldson.....		20
Farm House....	George Coombs.....		4
			801

No employé in the school is more essential to its success than the

*This building is undergoing repairs.

FAMILY OFFICER.

When the family man and woman are faithful, judicious and kind, the home is peaceful and prosperous. This home influence extends through all the departments of the institution, and tells on the conduct and success of each inmate in workshop, school room or play ground. We are fortunate in retaining so many faithful helpers in this line, from year to year, but count ourselves quite unfortunate in *some* families where too frequent changes have occurred.

Our boys' homes should provide all that is needful in any family. The bill of needfuls includes, besides comfortable buildings and efficient officers, food, clothes, lodging, society, reading matter and means of recreation. It is sometimes a question how much of these good things should be furnished. A majority of these boys will, in future, find their homes with plain laboring people. I deem it not well to furnish them in a style that may cause them to be discontented hereafter in good comfortable homes for the lack of such furnishings.

Intimately connected with the family and the findings is the

DISCIPLINE.

In truth, the discipline is the one thing needful in rearing the young. It sustains the relation to the other branches of our work that the ship's keel bears to the ribs, plank and timbers. If the discipline is sound, the reform ship is sound; when it is defective, the craft is unsafe. Good discipline implies obedience. Obedience is not consistent with self-will. Our forefathers may have been unfortunate in choice of terms when they said "the child's will must be broken;" but they were eminently correct in the theory that the will must be brought under control. Matter and mind must obey law. Nothing in God's universe is exempt. The will needs to be trained to obey, as much as the hand to guide the pen, or the reasoning faculties to calculate. The governor of the engine obeys the law of centrifugal force as perfectly as the balance wheel does the law of momentum, or the shaft that of revolution. Discipline must secure obedience. If it fails in this, it is a total failure. It may effect an appearance, but it is chaff, not wheat. Again, good discipline implies respect. An obedient son respects his parents; an obedient pupil his instructor. That

is not obedience which is done unwillingly. Forced compliance differs from respectful obedience as art differs from nature; as the carving of the monument does from the growth of the man. The former is the semblance, the latter the reality—one is counterfeit, the other genuine. The governor and the governed are not antagonistic forces ultimately. Gravity and inertia act in harmony when the body is once in motion. So the master and the ward—as face answers to face, and spirit witnesses with spirit, so one mind acts with another mind. The stronger carrying and controlling the weaker, both blending and agreeing. When this end is secured, quiet and happiness are secured. In other words, it is a pleasure to obey as well as to be obeyed. When a horse is trained—disciplined—he delights in yielding obedience to the rein. The same law governs animals and boys. Our old school readers taught us that “boys should learn to do that which they should practice when they come to be men.” The more ancient records teach that, “train up a child in the way he should go, and when he is old he will not depart from it.” The ultimate result is here reached. Respectful obedience, continued, becomes a habit of well doing from which there is no inclination to depart. This is reform—all short of this is partial or total failure.

The means by which discipline is attained are too numerous to specify in this place. They are both direct and indirect. Often the indirect are the most successful. As a noticeable example of this means, I mention labor. A turbulent, restless, irritable, stubborn boy may often be subdued—I had almost said regenerated—by this means alone. Labor is the remedy that God ordained to restore the fallen, and the remedy admits of no substitute. It sustains a similar relation to education—book learning—that the breaking plow does to the drag and the cultivator. When the breaking is well and timely done, the subsequent culture is easy and pleasant. Physical culture aids the mental—both aid the moral—all are equally the subjects of culture and discipline. When these three are well done, the work is complete.

Pardon me, if I dwell upon this subject. I feel that I am writing on these points more for the general reader than for the board of managers. I have spoken of the discipline of the physical as possible and important. This is, in my estimation, highly important, and needs to be better understood. Much of the so-called moral turpitude of humanity is the direct result of physical ailment. This may be inher-

ited or acquired. In either case, it demands treatment skillfully applied and faithfully administered. The feelings and thoughts, and consequently the words and acts are all modified and characterized by the conditions of the physical system. We may, with as much reason, look for pure water from an impure fountain, as to expect a consistent, daily life, in one whose system is diseased from the crown of the head to the sole of the foot.

The nervous system cannot fail to transfer its nervous action to the mind and the life. The thoughts generated in the brain, through which scrofulous blood flows, must be sordid and gross. Cutaneous irritability cannot fail to produce mental irritability and corresponding action. Am I asked, what of all this? I reply, these facts acquaint us with the character of our work, the requisite qualifications of our educators and the principle on which our reformatory efforts should be based.

I need not here repeat in detail our system of disciplinary forces; a reference to former reports will be sufficient. We depend principally as formerly on the system of grading and degrading, based on the conduct of each boy, reports being kept by each officer in charge, all of which are posted, and boys, standing announced semi-monthly. Privation of privileges for bad conduct, and increase of privileges for meritorious conduct, are powerful incentives when judiciously administered. If our families could be reduced to thirty or thirty-five each, thus giving the family officers opportunity to establish a more intimate personal acquaintance and a consequent warmer friendship; and if, in addition to this, the superintendent could be so relieved from other duties that he could consistently spend more time in personal intercourse with the boys, I am sure a marked improvement would speedily be seen. To influence another, we must get near him, hand must grasp hand, and heart beat in sympathy with heart. Words spoken softly in the ear are more impressive than loud lectures, however eloquent or earnest, from the rostrum. By this means also, a healthful public sentiment would be likely to grow up, the better portion of the inmates would be much more inclined to unite their influence on the side of good order. Evil plans and projects would be detected and corrected before the evil had developed, and as a consequence, severe discipline would not be required.

I have one more theory to propose. It is one on which I have

expended much thought, some time enquiring of the experienced, and made limited experiments.

I allude to a system of compensation or pay to all inmates after reaching certain limits of age and good conduct, for all the service rendered in the institution, and a charge for all which they receive; a system of debt and credit with each. If this could be so nicely adjusted that a boy by commendable exertion and diligence could make a small saving each week over and above his expenditures, it would furnish a motive to action not usually felt by inmates in institutions of this kind. As things are now done, we have little opportunity to cultivate economy. The boy is now fed and clothed, whether he works well or not. He learns from the book, that ten dimes make one dollar, still he has little idea of its value and less judgment how to expend it judiciously. In vain he is told the cost and importance of food, clothes and home. He gets them free, and like the air and the sun light, he presumes they, as a matter of course, are a part of his inheritance. All children are liable to this delusion, the children of the state pre éminently so. This is seen in the destruction of books and tools. Take the book as an illustration. If the boy is charged seventy-five cents for a reader to-day, and he knows that when he is ready, say in six months, to be promoted or leave the school, the value of the book then will pass to his credit, it presents a motive to care for it. The same of tools, clothes, etc. Another most valuable purpose would be saved. When a boy escaped, the cost of his return could be met by the use of his funds and an assessment on the funds of those who were accessory. This would furnish a leverage to find out all who were involved, embracing in certain instances a large portion of the members of a family or shop. I solicit a careful examination of the feasibility of this suggestion.

THE EDUCATIONAL INTERESTS

Of the institution, I am pleased to say, are in better condition than at any former period. To the report of the principal teacher, herewith presented, I would respectfully refer you for all details. The school rooms, as at present arranged, more than meet our anticipations. They are well furnished, lighted, heated and ventilated, comfortably seated, belted with blackboard, and thoroughly

convenient, and, what is still better, they are well cared for, well occupied and used to profit.

While we do not attempt to teach higher mathematics, natural science, or the classics, as they are taught in the high schools, we do teach physiology, history, analysis of the constitution, and by familiar lectures and general oral exercises, acquaint our pupils with many of the leading facts of astronomy, geology, zoology, and similar subjects. This method of oral instruction is admirably adapted to the class of youth with which we have to do. They listen with earnestness to the living teachers when the same thought on the printed page would elicit little or no attention. This method of instruction is employed not only in the school, but in the assembly room.

Our entire institution is a school in more than an ordinary sense. Ordinarily children learn in the family, they learn in their intercourse in society, they are instructed in the lecture room and in the church as well as in the school proper; but it devolves upon the officer of a reformatory to perform all these duties. Our families are places of instruction, our workshops are schools of learning, our assembly room to us is the lecture hall and the church.

THE LIBRARY.

Though limited in numbers of volumes, has been read quite generally, the circulation averaging some 200 volumes per week. Funds are now on hand and a respectable addition will soon be made.

THE READING ROOM,

Which is an independent appendage to the library, furnishes some very good reading for all whose standing entitles them to its privileges; a number of the boys take weekly, semi-monthly and monthly periodicals, paying their own funds and receiving them in their own names. This they have been encouraged to do, rather than pay their money for trifles.

The following list of

PERIODICALS]

Are furnished at state expense:

	Copies.
Schoolday Magazine	2
Wood's Household.....	2
Arthur's Home	2

The Nursery.....	2
St. Nicholas.....	2
Little Corporal.....	8
Scribner's Monthly.....	1
Young People's Magazine.....	1
Golden Hours.....	1
Hearth and Home.....	2
Young Folk's Rural.....	2
"What Next?" or The Little Gem.....	8
Bethel Home.....	7
Sunday School Advocate.....	7
Youth's Temperance Banner.....	<u>10</u>

The following are the gratuitous contributions. Would that we had many more such:

Kenosha Telegraph.....	1
The Advance.....	1
Brandon Times.....	1
Christian Statesmen.....	1
Evangelical Messenger.....	1
American Bible Society, Bibles....	<u>800</u>

These are so distributed and interchanged from family to family that all have opportunity to read them.

THE EVENING DEVOTION

Is a daily reunion of all connected with the institution. Here, at the close of the day, teachers, pupils and all join in song, listen to the reading of the scripture, and unite in thanksgiving and prayer. The evening assembly is also a place of instruction, sometimes of amusement. We here review the day's proceedings, calling attention to the defects and awarding commendation for that which is honorable and praiseworthy. The occurrences of the day, any matter of general interest found in the journal of the times, whatever may furnish a theme of useful information is here presented. These exercises are conducted by the teacher, the superintendent, or others, frequently by some visitor who may chance to favor us with his presence. Here, also, vocal music is cultivated. All are requested to join in the songs. Aided by a leading voice and the instrument, a large portion of our boys acquire much practical knowledge of vocal music.

The boys spend an hour each Sunday morning in their respective schoolrooms, reciting the Sunday School lessons and reading.

The time from half past ten to twelve is spent in the assembly room. All the boys and such of the employees as do not wish to attend church elsewhere, are present. The Sunday School lesson

is reviewed, a brief lecture on ancient history is given, the balance of the time spent in reading and singing. At half past two all assemble for service. This hour of service is found to be convenient, as we employ no chaplain, we are often enabled to secure the services of resident or visiting clergymen, without conflicting with other church service.

I wish to improve this opportunity to express my thanks and the thanks of all in the institution, to those clergymen and other gentlemen and ladies who have so kindly and efficiently aided us in these services, and also to request a continuance of these favors. We cordially invite clergymen and friends of reform, without regard to denomination or creed, to address the children at that hour and also at our evening service any day of the week.

Labor, discipline, home, food, clothes, school, society and religious privileges are not the only requisites of the young, and especially of those whose privileges are limited. They require

RECREATION.

It is our object to encourage all harmless amusements; particularly such as are calculated to induce activity of mind or muscle. The play-room and the play-ground, during recess, are scenes of activity and mirth. The boisterous, rude and vulgar are only restrained. The national holidays are great days with our boys. Christmas, if it don't bring skating, is sure to bring a good dinner, the Christmas tree and some valuable present to every boy. Most of our boys have skates. The center of the general play-ground is a skating rink in the winter. Being easy of access, it is much occupied. The river sometimes swarms on a holiday, or Saturday afternoon, with one hundred or more boys on skates.

The fourth of July is celebrated with band music, marches, speeches and cheers by day and fireworks by night.

OUR BAND

Is an abiding source of recreation, ready to enliven any occasion, by day or night, with cheering music. Still under the instructions of Professor Williams, it was never more prosperous.

A larger number of

VISITORS

Have favored us with their presence than ever before. Two

thousand six hundred and forty-two names are recorded on our visitors' register during the year. It is always gratifying to us to show any person, citizen of our state or not, who desires an acquaintance with our institution, and we cordially invite them to continue to come. The more intimately acquainted our people are with the school, the more confidence I have in looking to them for support, and the more certain I am that the unfounded complaints and false accusations of the evil disposed will fall harmlessly on our heads. In this connection, I feel compelled, in justice to the interests of the school, to say that the custom of letting our grove for picnics is seriously objectionable. If the company consisted only of the Sunday School, less inconvenience would result. As it is, a crowd of from 200 to 600 persons, mostly children, are let loose upon our grounds, many of whom are uncontrolled and uncontrollable. All wishing to visit the buildings, some wishing to see individual acquaintances, some to distribute tobacco or other objectionable things. A half-dozen attendants are not sufficient to conduct the company around. The school does not appear to advantage, the boys are excited and do not attend to business as usual. The effects are often visible for days. Unless some different plan can be devised for their management, the interest of the school demands their discontinuance.

THE IMPROVEMENTS

Of the year have been less in number than last year, but very important and satisfactory. First in importance is the removal of the wooden structure known as No. 7. Its original location near the river, on low ground with damp basement, imperfect drainage, and in front of all the other buildings, was every way objectionable. It now stands on dry ground in line and symmetrically arranged with the other family buildings. It is elevated, enlarged and thoroughly reconstructed. It is now a healthful, commodious building and an ornament to the grounds.

The second improvement in importance is the grading of the play yards and the completion of the walks connecting the buildings and different parts of the premises. A difficulty heretofore has always existed in our play grounds. The natural prairie soil was so black and sticky when damp, and the gravel so coarse and hard when uncovered, they were unpleasant play grounds. We have this year covered them with gravel and top dressed with sand.

The yards are now dry and clean, pleasant and wholesome. Other minor improvements, such as setting lines of trees, additions to the grove, building fences and remodeling out buildings, etc., are valuable, though less noticeable.

No subject relating to our institution elicits on the part of all concerned more profound and anxious thought than that of

HEALTH.

Table No. 12 will show the number and dates of all deaths of inmates since the school was organized in 1860. One half the deaths have occurred during the last eighteen months. In fact, the sickness of the last year and a half has caused us more anxiety and alarm, than all of former years. The question "what is the cause," forces itself upon us continually. Since our system of sewerage is complete and in complete order, more pains can scarcely be taken than is taken with the cleanliness of the premises and the persons of inmates. Our attendant physician is experienced, skillful and faithful. If regularity in habits, and wholesome, nutritious food will secure health and strength, our boys ought to be the healthiest in the community. To what cause can so much sickness be attributed? The crowded condition of our sleeping apartments appears to be the only answer that can be made. If the food needful for two persons were divided between them for weeks and months, the lack would tell on the strength and health of all. This none will doubt. Will not the lack of pure air be equally productive of evil results? That there is much sickness, and especially fever, in the country generally, is no doubt true, perhaps, as much sickness in proportion to population as among us. Still I claim that our ratio should be less than the average of the community. The only possible reason to the contrary is, that many of our boys come to us with feeble and impaired constitutions.

May the great Father of all graciously favor us with his blessing, and grant us all wisdom and ability to do our duty well, and may the time speedily return, when every one in the institution will enjoy the degree of health which has been our boast in former years.

It is our painful duty to record the death of two employés and seven inmates during the year. Miss Esther Campion was one of our excellent teachers. She had been connected with the school for years. Her amiable, confiding, loving disposition, combined with her faithful attention to her duty and her associates, endeared her

to every one. She loved and was beloved by all. She died in February, after an illness of only three weeks.

Mrs. Hemsley had been here but a few months, was employed in the bakery. We were just beginning to feel that she was one of our large family, and entitled to our love and respect. She died at her home, near Whitewater, after an illness of some twenty days.

Two of the boys died of typhoid pneumonia; both of them were boys of feeble constitution, had been here each about two years, were never strong. One had been with us less than four months, had been dropsical the entire time, and died suddenly, probably of heart disease. Another, a boy of dwarfed growth, always troubled with phthisic, died of congestion of the lungs. One died of brain fever and two of consumption. One of these was a case of scrofulous consumption, dating back of his connection with the school. The other was a boy of hereditary consumptive habits. His immediate sickness was doubtless brought on by a heavy cold which left him with a cough. His sickness was protracted several months. We called in medical counsel from Milwaukee as we had done in other difficult cases, but the disease kept on its steady course, and he died the second of July.

IN CONCLUDING

This, my ninth annual report, you will, I trust, pardon a brief comparison of the past and present. Our first year was memorable for the fire and the discomforts attending the destitution that followed. The second, for the labor of rebuilding and the more arduous labor of caring for one hundred and fifty human beings packed in the wood-house and "barracks" with only a one inch board between us and a Wisconsin winter. The successive years, to the present, have been years of comfort, peace and prosperity, but years of care, anxiety and toil. Each successive year, buildings and business have increased, inmates and employes have multiplied. We had then a farm of fifty acres, stocked with three cows, two head of young cattle, and two old horses. We have to-day two hundred and thirty-three acres of land, over fifty head of stock, and six good horses. Then, we had one small two-story wooden shop-building, with shingle roof and no under-pinning; now, we have two substantial three story stone shops, covered with slate, containing five times the capacity of the former, swarming with

boys and humming with business. Then one school-room, with one small recitation room, served the purpose of school and chapel, with scarcely capacity to seat one hundred and sixty persons; to-day we have five ample school-rooms and a separate assembly room, which will seat over three hundred comfortably. With "30 boys in shoe shop," we commenced, October 16th, 1865, with not half shoes enough to clothe the naked feet. This year, with "13 boys in shoe shop," and twice the number to clothe, every foot is shod and the store invoiced shows pairs waiting service. Then, "with 30 boys" in knitting shop, not one dozen pairs of socks were ready for use; to-day, "with 20 boys," all are supplied with socks, suspenders, and comforters, "home made." In 1865, with thirty acres of rented land, nearly all planted to corn, we had scarcely fifty bushels of ears of corn and no crib to store that in; this year, our *cribbery* contains 3,600 bushels of ears grown on fifty acres of our own land. Nine years ago, we had neither fat or fattening hog, beef creature or poultry; to-day we have thirty-nine fattening and eighty store hogs, fifteen beeves and the barn yards are swarming with fowl. The ground where our buildings now stand was then a bleak pasture, without tree or shrubs; to-day, trees, shrubs, hedges, walks and lawns greet the eye on every hand. Nearly all the buildings are heated with furnaces, all the buildings and the grounds are lighted by gas.

I trust this comparison of the past and present may not seem egotistical to any. Much might be added; enough is said—First, to an overruling Providence; second, to the unity and wisdom of the board of managers, and last, to the munificence of the young state of Wisconsin, be the praise of the success of this humane enterprise.

MY ACKNOWLEDGEMENTS

Are due to many friends, who, by kind words and deeds, have cheered and encouraged us in our work, especially to those clergymen and others who have so kindly aided us in our Sunday service, as well as to those who have gratuitously furnished our boys books and other valuable reading. To my associates in this work, I desire to express my appreciation of their faithfulness and patience often under trial and weariness. To you, gentlemen, I am under renewed obligations for your continued friendship, kindness and

forbearance another year. With pleasant remembrance of the past, and confident trust for the future, I submit this, my ninth annual report.

A. D. HENDRICKSON,
Superintendent.

TEACHERS' REPORT.

To the Superintendent and Board of Managers:

Whole number of pupils under instruction at the commencement of the of the year	281
Whole number received during the year.....	121
Whole number of pupils under instruction during the year.....	402
left the school during the year	101
in present attendance	301

Of the one hundred and twenty-one boys (121) received into the school—

Did not know the alphabet.....	5
Read from chart	11
Read in Primer.....	18
First Reader.....	26
Second Reader.....	23
Third Reader.....	29
Fourth Reader....	9
Total.....	121

Arithmetic.

Never studied it	58
Commenced in Primary	23
Intellectual	5
Intellectual and Written.....	82
Practical (High)	4
Total.....	121

Geography.

Never studied it	74
Commenced in Primary.....	14
Intermediate.....	29
High School.....	4
Total	121

SECOND PRIMARY DEPARTMENT.

TAUGHT BY MISS MARY LIGHTBODY.

Whole number attending during the school year*.....	94
in present attendance.....	57
in chart.....	4
in primer.....	14
in first reader.....	39
Total.....	<u>57</u>

Whole number in primary arithmetic.....	41
in spelling.....	53
in writing.....	57
that could not read when received.....	16
promoted from chart to primer.....	10
primer to 1st Reader, B class.....	12
B class to A class, 1st Reader.....	20
second to first primary department.....	<u>28</u>

Qualifications necessary for promotion to first primary department:

 Finish First Reader.

 Finish Primary Arithmetic through Division.

 Geography was taught from maps and charts; also drawing and printing a general exercise on the boards.

FIRST PRIMARY DEPARTMENT.

TAUGHT BY MISS A. F. TORREY.

Whole number in attendance during the year*.....	82
in present attendance.....	42
in Second Reader.....	41
in Primary Geography.....	41
in Primary Arithmetic.....	41
in spelling (orally).....	41
in writing.....	41
promotions from C to B class, 2d Reader.....	34
B to A class, 2d Reader.....	16
in Arithmetic and Geography from C to B class.....	20
from B to A class.....	14
this department.....	<u>20</u>

Qualifications necessary for promotion to third intermediate department:

 Finish Primary Geography.

 Finish Primary Arithmetic

 Second Reader.

 First lessons in map drawing, are given as a general exercise.

THIRD INTERMEDIATE DEPARTMENT.

TAUGHT BY MR. JOHN W. DENSMORE.

This department was formed January 5, 1874, commencing with forty pupils.

Whole number in attendance during the school year*	91
present attendance	53
Second Reader.....	81
Third Reader.....	22
	<hr/>
Total	53
	<hr/>
Intellectual Arithmesic.....	53
Written Arithmetic	53
Intermediate Geography.....	53
Spelling (orally)	53
Writing	53
promotions from B to A class, 2d Reader.....	24
Second to 3d Reader.....	29
B to A class, Intellectual Arithmetic .	34
B to A class, Written Arithmetic	84
to Second Intermediate Department.....	83
	<hr/>

Qualifications necessary for promotion to the Second Intermediate Department:
 Finish Intellectual Arithmetic through Division.
 Written Arithmetic through Division.
 Intermediate Geography to South America, and make corresponding progress in the other studies.
 The exercise of map drawing continued.

SECOND INTERMEDIATE DEPARTMENT.

TAUGHT BY MR. E. S. BASTIN.

Whole number in attendance during the school year*.....	99
present attendance	42
Third Reader	42
Geography	42
Intellectual Arithmetic.....	42
Written Arithmetic .	42
Spelling (orally)...	42
Writing	42
promotions from C to B class, 3d Reader	16
B to A class, 3d Reader	20
C to B class, Intellectual and Written Arithmetic	16
B to A class, Intellectual and Written Arithmetic.....	20
to First Intermediate Department	87
	<hr/>

Qualifications necessary for promotion to First Intermediate Department:
 Finish Intellectual Arithmetic to Fractions.
 Written Arithmetic to Decimal Fractions.
 Intermediate Geography to Africa, also make a corresponding progress in other studies.
 Instructions in drawing geometrical figures on the board, and learning to distinguish and describe them, were given as general exercises.

FIRST INTERMEDIATE DEPARTMENT.

TAUGHT BY MISS EMMA NICHOLS.

Whole number in attendance during the school year*.....	74
present attendance.....	46
Fourth Reader.....	24
Third Reader.....	22
Intellectual Arithmetic.....	46
Written Arithmetic.....	46
Geography.....	46
Grammar.....	12
Spelling (orally).....	46
Writing.....	46
promotions from D to C class, 8d reader.....	16
3d to 4th reader.....	16
C to B class, 4th reader.....	14
B to A class, 4th reader.....	24
D to C class, Int. and Written Arith....	11
C to B class... do.....do.....	12
B to A class....do.....do.....	16
to Senior Department.....	<u>26</u>

Qualifications necessary for promotion to the Senior Department—

Finish Written Arithmetic,
Intellectual Arithmetic to Percentage,
Intermediate Geography.
Map Drawing,
Third Reader.

SENIOR DEPARTMENT.

TAUGHT BY J. W. BABCOCK.

Whole number in attendance during the school year*.....	80
present attendance.....	62
Fourth Reader.....	32
Fifth Reader.....	30
Practical Arithmetic (Higher), A class.....	23
A 2d class.....	24
B class.....	15
Intellectual Arithmetic, A class.....	30
B class.....	32
Geography (High School), A class.....	23
A 2d class.....	24
B class.....	15
Grammar, A class.....	13
A 2d class.....	17
B class.....	17
History.....	33
Algebra.....	10
Spelling and defining.....	62
Writing.....	62
promotions in Geogra'y and Arith. from B to A 2d class	20
A 2d to A class	22
Int. and Writ. Arith. from B to A class ..	15
from 4th to 5th Reader.....	20

*The number given as attending during the school year of each department, when footed, is more than the *whole number* given under instruction during the year; but the *difference* is owing to the promotions, the same name counted in some other department.

During the year, there have been frequent changes of teachers in some of the departments, which is a great hindrance to very rapid improvement, still the intellectual standing will compare favorably with other years.

The method of teaching, and studies pursued, are those tending to *practical* results. Every exercise is calculated for the improvement of the pupil, morally as well as intellectually.

The most we can hope and labor for as teachers, is to educate the mind and purify the heart; nor do we hope and labor in vain. The *worst* may be improved, the best made better, and *both* aided to a higher life and nobler attainments.

In the discipline of the school, we find that a kind word timely spoken, has been sufficient to check the offender in the majority of cases. Our object has been not only to instruct and preserve order, but correct the morals and manners, and encourage a manly and truthful spirit.

Frequent reviews and occasional examinations have served as incentives to thoroughness in the preparation of lessons.

In writing and composition, I can see a decided improvement over last year.

* One evening of each week has been devoted to lectures on Chemistry, Geology, Botany and various other subjects and their beneficial effects are observable.

To my associate teachers I would say: Our's is truly a missionary work, which promises much for the future; let us cultivate patience with the dull and stupid, forbearance with the vicious and obstinate, and perseverance in our responsible duties.

To the Superintendent and Board of Managers I tender thanks for counsel and kindness.

Respectfully submitted,

JOHN W. BABCOCK,
Principal.

LAWS RELATING TO THE SCHOOL.

AN ACT to provide for the Government and Management of the State Reform School

SECTION 1. The State Reform School at Waukesha shall be the place of confinement and instruction of all male children between the ages of eight and sixteen years, who shall be legally committed to the State Reform School as vagrants, or on the conviction of any criminal offense, or for incorrigible or vicious conduct, by any court having competent authority to make said commitment.

SECTION 2. The managers of the State Reform School are hereby clothed with the sole authority to discharge any child or children from said reform school, who have heretofore been or may hereafter be legally committed thereto; and such power shall rest solely with said board of managers, and they shall have power to return any child to the court, justice or other authorities ordering or directing said child to be committed, when in the judgment of said managers they may deem said child an improper subject for their care and management, or who shall be found incorrigible, or whose continuance in the school may be deemed prejudicial to the management and discipline thereof, or who, in their judgment, ought to be removed from the school from any cause; and in such case said court, police justice or other authority shall have power, and are hereby required, to proceed as they might have done, had they not ordered the commitment to such school.

SECTION 3. The superintendent of the State Reform School shall charge to each of the several counties in this state, in a book provided by him for that purpose, the sum of one dollar (\$1) per week for the care and maintenance of each person remaining in said State Reform School, who was committed thereto as a vagrant, or by reason of incorrigible or vicious conduct, or who may thereafter be received into said State Reform School, committed for vagrancy or incorrigible or vicious conduct, from each of such counties respect-

ively: *provided*, that the cost of the original commitment of all persons to said State Reform School shall be chargeable to the county from which the person committed to said school is sent; *and provided, further*, that it shall be the duty of the superintendent of said State Reform School to procure the arrest and return of any person escaping therefrom; and it shall also be the duty of any justice of the peace, marshal or constable, upon information of such escape, to arrest and return any such fugitive as above mentioned.

SECTION 4. The superintendent of the State Reform School shall keep an accurate account of the amount due from each county for the support of persons therefrom, and shall annually, on or before the tenth day of October in each year, report to the secretary of state the amount which may then be due from each county for the year ending on the first day of October preceding, which report shall state the name of each person for whom such account is rendered, the number of weeks which such person has been in said school during said year, and the amount charged for each of said persons respectively; and such report shall be verified by the oath of said superintendent as to its correctness. The secretary of state shall add the amount due from any county in this state for the support of such persons to the state tax apportioned to said county, and such amount shall be collected and paid into the state treasury for the use of the State Reform School.

SECTION 5. The board of managers shall consist of five members, who shall be appointed by the governor and hold their offices for three years; said board shall be divided into three classes, and so divided that the term of one class shall expire each year, on the first Tuesday of March, and shall receive for their compensation two dollars and fifty cents (\$2.50) per day for every day actually employed, and ten (10) cents per mile for every mile actually traveled, and shall verify their account by their oath or affirmation.

SECTION 6. Such managers shall have the power to make rules, regulations, ordinances and by-laws for the government, discipline and management of the State Reform School, and the inmates thereof, as to them may seem just and proper: *provided*, that such rules and by-laws shall be in accordance with the constitution of the United States; and they shall have power to place the children committed to their care, during the minority of said children, at such employment, and cause them to be instructed in such branches of useful knowledge as shall be suited to their years and capacities;

and they shall have power in their discretion to bind out said children, with their consent or the consent of their parents or guardians, if they have any, as apprentices or servants during their minority, to such persons, and at such places, to learn such proper trades and employments, as to their judgments will be most for their reformation and amendment, and the future benefit of such children: *provided*, that the religious opinions of the inmates shall not be interfered with.

SECTION 7. The said managers shall appoint a superintendent of said State Reform School, and such officers as they may deem necessary for the interest of the institution, with a view to the accomplishment of the object of its establishment and economy of its management; and the said managers shall make a detailed report to the governor of the performance of their duty, on or before the tenth day of October in each year, which report shall contain a statement of the number of persons in the school at the commencement of the year, together with all such facts and statements as they may deem necessary to communicate; which report shall be laid before the legislature by the governor.

SECTION 8. The courts and several magistrates in any county in this state may, in their discretion, sentence to the State Reform School any such male who may be convicted before them as a vagrant, or of any petit larceny or misdemeanor; and the several courts may, in their discretion, send to said State Reform School any such male who may be convicted before them of any offense which, under the existing laws, would be punishable by imprisonment in the state prison: *provided*, in all cases, the term of commitment shall not be less than to the age of twenty-one years.

SECTION 9. The managers of the State Reform School shall have power, in their discretion, to restore any person duly committed to said school, to the care of his parents or guardian, before the expiration of their minority, if in their judgment it would be most for the future benefit and advantage of such persons.

SECTION 10. The courts and several magistrates in any county in the state, shall also have the power to commit to the State Reform School any male child, under the ages specified in section one of this act, upon complaints and due proof made to said court or magistrate by the parent or guardian of such child, that by reason of incorrigible or vicious conduct, such child is beyond the control and power of such parent or guardian, and that a due regard for

the morals and future welfare of such child manifestly requires that he should be committed to the guardianship of the managers of the State Reform School.

SECTION 11. The managers of the State Reform School are hereby authorized and directed to procure suitable places for the females under their charge, and in their discretion to dispose of them as, in their judgment, will be for their best interests and the interest of the state.

SECTION 12. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

AN ACT to amend section one and section eight, and repeal section ten of chapter sixty-six of the general laws of 1870, entitled "an act to provide for the government and management of the Industrial School for Boys."

SECTION 1. Section one of said chapter sixty-six shall be amended so as to read as follows: "The Wisconsin Industrial School for Boys, at Waukesha, shall be the place of confinement and instruction of all male children between the ages of ten and sixteen years who shall be legally committed to the said Wisconsin Industrial School for Boys, as vagrants, or on the conviction of any criminal offense, or for incorrigible or vicious conduct, by any court having competent authority to make said commitment."

SECTION 2. Section eight of said chapter sixty-six shall be amended so as to read as follows: "The courts and several magistrates in any county in this state, may, in their discretion, sentence to the Wisconsin Industrial School for Boys, any such male child who may be convicted before them as a vagrant, or of any petit larceny or misdemeanor, and the several courts may, in their discretion, send to the said Wisconsin Industrial School for Boys, any such male child who may be convicted before them of any offense which under the existing laws would be punishable by imprisonment in the state prison, and the said several courts may, in their discretion, commit to the said Wisconsin Industrial School for Boys, any male child within the ages specified in section one of this act, upon complaints and due proof made to said court or magistrate by the parents or guardian of such child, that by reason of incorrigible

or vicious conduct, such child is beyond the control and power of such parents or guardian, and that a due regard for the morals and welfare of such child manifestly required that he should be committed to the guardianship of the managers of the Wisconsin Industrial School for Boys: *provided*, in all cases, the terms of commitment shall not be less than to the age of twenty-one years.

SECTION 3. Section ten of said chapter sixty-six is hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

AN ACT to amend chapter 105 of the general laws of 1873, relating to the government and management of the State Industrial School for Boys.

SECTION 1. Section 2 of said chapter 105 shall be amended so as to read when amended as follows:

“SECTION 2. Section 8 of said chapter 66 shall be amended so as to read as follows: The courts and several magistrates in any county in this state may, at their discretion, sentence to the Wisconsin Industrial School for Boys any such male child who may be convicted of any petit larceny or misdemeanor, and the several courts, may, in their discretion, send to the said Wisconsin Industrial School for Boys any such male child who shall be convicted before them of any offense which under the existing laws would be punishable by imprisonment in the state prison, and the county judge, and judges of municipal courts in any county in this state may, in their discretion, commit to the said Wisconsin Industrial School for Boys any male child, having a legal residence in said county, and being between the ages of ten and sixteen years, which upon complaint and due proof is found to be a vagrant or so incorrigible and vicious, that a due regard for the morals and welfare of such child manifestly requires, that he shall be committed to the guardianship of the managers of said school: *provided*, in all cases, the terms of commitment shall not be less than to the age of twenty-one years.”

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 28, 1874.

ANNUAL REPORT
OF THE
ADJUTANT GENERAL
OF THE
STATE OF WISCONSIN,
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1874.

ADJUTANT GENERAL'S OFFICE,
MADISON, Wis., Sept. 30, 1874.

To his Excellency, WM. R. TAYLOR, Commander-in-Chief:

GOVERNOR:—I have the honor to submit herewith the annual report of the transactions of this office, as required by law.

The demands upon this office for certificates, abstracts and information, relative to the service of soldiers in the late war, continue to be very great, rendering necessary the labor of an extensive correspondence. It would be no exaggeration to say, that thousands of soldiers have applied to this department, during the past year, for proofs of their service in the war of the rebellion. The certificate of this office is frequently the only available evidence in "proving up" claims to soldiers' pensions, bounties, or benefits arising under the acts of congress, relative to "homesteads." The application is sometimes made by the soldier himself, in his own behalf; but not infrequently by his widow or orphan children.

The constant examination of the muster rolls of the late regiments on file, has greatly damaged these records, and unless some steps are soon taken to have them transcribed to books of a more permanent kind, they will be worthless as documents of reference. I desire to call the attention of your Excellency, and of the legislature, especially to this matter. There are no records connected with the history of the state that should be more carefully and sacredly preserved than those of the Wisconsin soldiers who did battle, in the late war, for the cause of the Union.

A revision of the militia laws of the state was made by the legislature of 1873. The law is still very defective. It provides that each company or battery that may organize in accordance with the requirements of the law, shall receive from the state treasury the sum of one hundred dollars (\$100) per annum, "which shall be full compensation for rent of armory, pay of armorer and keeping in repair the ordnance and ordnance stores, furnished such company or battery." The sum of money allowed under this act is utterly inadequate for the purposes intended. The amount is ridiculously small, and would seem to indicate a degree of impecuniosity on the part of our people, which we do not believe is justly attributable to them.

We do not favor lavish appropriations for the support of an extensive militia organization; but the expediency of having an organized militia of moderate size and tolerable equipment will be apparent to all. The allowance now made by the state is just enough to encourage the organization of military companies, but not enough to secure efficiency or permanency in the organization. The law should be amended so as to limit the number of companies that may organize under the militia law; and then the aid afforded by the state should be adequate for the decent support of the several companies. Each infantry company should receive at least \$300, and each battery and cavalry company \$1,000 annually from the state.

At present, companies will organize, and, stimulated by the novelty of parade and glitter of uniform, the organizations survive just long enough to involve the members in an expense which they cannot bear, then disband, entailing upon the state the cost of transporting and re-transporting arms and accouterments, etc. We certainly think that the better policy would be to restrict the militia organizations to a reasonable number, and then let the state extend such aid to this limited organization as will secure efficiency and permanency.

The following tables will exhibit the number and strength of the various military organizations of the state.

In closing this report I desire to express my great obligations to Captain John G. Stock, Aid-de-camp, for constant and valuable assistance in the discharge of my duties.

Respectfully submitted,

ALFRED C. PARKINSON,
Adjutant General.

ROSTER OF COMMANDER-IN-CHIEF AND STAFF.

Title.	Name.	Residence.	Office.	When Commissioned
Governor.....	W. R. Taylor.....	Madison.....	Chief.....	.....
Brigadier General.....	A. C. Parkinson.....	Madison.....	.....	April 11, 1874
Brigadier General.....	E. Cadwallader.....	Madison.....	General.....	April 11, 1874
Brigadier General.....	O. W. Wight.....	Milwaukee.....	.....	April 11, 1874
Colonel.....	George W. Bird.....	Jefferson.....	Aid de Camp and Military Secretary.	April 11, 1874
Colonel.....	John B. Callis.....	Lancaster.....	Aid de Camp.....	April 11, 1874
Colonel.....	Sam. Ryan, Jr.....	Appleton.....	Aid de Camp.....	April 11, 1874
Colonel.....	Conrad Krez.....	Sheboygan.....	Aid de Camp.....	April 11, 1874
Colonel.....	William Kennedy.....	Milwaukee.....	Aid de Camp.....	April 11, 1874
Colonel.....	Gilbert L. Park.....	Stevens Point.....	Aid de Camp.....	April 11, 1874
Colonel.....	A. C. Hitchcock.....	Hitchcock.....	Aid de Camp.....	April 11, 1874
Colonel.....	T. J. McCarthy.....	La Crosse.....	Aid de Camp.....	April 11, 1874
Colonel.....	John Winans.....	Janesville.....	Aid de Camp.....	April 11, 1874
Colonel.....	H. L. Farr.....	Cottage Grove.....	Aid de Camp.....	April 11, 1874
Captain.....	John G. Stock.....	Madison.....	Aid de Camp to Adjutant General....	Mar. 9, 1874

FIRST REGIMENT MILWAUKEE.

FIELD AND STAFF.

RANK.	NAMES.	Residence.	When Commis- sioned.	Remarks.
Colonel	John L. Hathaway	Milwaukee	Aug. 4, 1873.	
Lieut. Colonel	Florian Ries.....	do	May 14, 1873.	
Major	Richard Rooney	do	May 14, 1873.	
Adjutant	Chas. Osthelder.....	do	Feb. 6, 1873	
Quartermaster	Chas. Graw.....	do	Feb. 6, 1873	
Assistant Surgeon	Ernst Kramer ...	do	Feb. 6, 1873	

COMPANIES.

NAMES OF ORGANIZATION AND OFFICERS.	Rank of Officers.	Date of Organization.	Strength of com- pany.	Remarks.
CREAM CITY GUARDS.....	.....	July 26, 1867..	65	
Milwaukee, Milwaukee County .....	.....	.....	.....
Albert Obenberger	Captain .....	.....	.....
Jacob Kaiser	1st Lieut .....	.....	.....	Vice Hartman resigned.
Jacob Hafmeyer.....	2d Lieut .....	.....	.....	Vice Kaiser promoted.

MILWAUKEE LIGHT GUARDS Milwaukee, Milwaukee county.	.....	Dec. 8, 1868	67	
James M. Arnold	Captain .....	.....	.....	Vice Wright, resigned.
Albert E. Hess	First Lieutenant .....	.....	.....
Jerome G. Steever	Second Lieutenant .....	.....	.....
SHERIDAN GUARDS Milwaukee, Milwaukee county.	.....	June 23, 1869	69	
James M. Reddy	Captain .....	.....	.....	Vice Connolly, resigned. Vice McCormick, resigned.
John E. Pennefeather	First Lieutenant .....	.....	.....
Thomas G. Shoughnessy	Second Lieutenant .....	.....	.....
BLACK YAGERS Milwaukee, Milwaukee county.	.....	Oct. 13, 1870	68	
John P. Strack	Captain .....	.....	.....	Vice Lecher, resigned. Vice Roth, promoted.
George P. Roth	First Lieutenant .....	.....	.....
Gustav Berkenbugler	Second Lieutenant .....	.....	.....
MILWAUKEE BATTERY LIGHT ARTILLERY Milwaukee, Milwaukee county.	.....	April 23, 1870	68	
Charles Horn	Captain .....	.....	.....	Vice May, resigned.
Jacob Holdman	1st Lieutenant .....	.....	.....
John D. Mueller	Second Lieutenant .....	.....	.....
GERMANIA GUARD Milwaukee, Milwaukee county.	.....	August 8, 1871	74	
Henry Underberg	Captain .....	.....	.....
Ferdinand Weisnick	First Lieutenant .....	.....	.....
August Fels	Second Lieutenant .....	.....	.....

Companies—continued.

NAMES OF ORGANIZATION AND OFFICERS.	Rank of Officers.	Date of Organization.	Str'gth of Co.	Remarks.
JUNEAU GUARD..... Milwaukee, Milwaukee county.	.....	Sept. 14, 1872	65	
Charles R. Wurtz John Plede..... Edward Schuengel.....	Captain First Lieutenant Second Lieutenant.....	..... ..... .....	..... ..... .....	Vice Isenring, resigned. Vice Huslin, resigned. Vice Stahlring, resigned.
EMMETT ZOUAVES Milwaukee, Milwaukee county.	.....	Oct. 21, 1872	67	
John Linnehan James Roach Wm. St. John.....	Captain First Lieutenant Second Lieutenant.....	..... ..... .....	..... ..... .....
KOSCIUSKO GUARD..... Milwaukee, Milwaukee county.	.....	Sept. 2, 1874	93	
August Rudzinsky..... Michael Klass Anthony Szerbinsky.....	Captain First Lieutenant Second Lieutenant.....	..... ..... .....	..... ..... .....
RICHLAND CENTER LIGHT ARTILLERY..... Richland Center, Richland county.	.....	Aug. 5, 1867	65	
Joseph McMurtey David G. James..... Fred. H. Tuttle	Senior First Lieut.. Junior First Lieut.. Second Lieutenant ..	..... ..... .....	..... ..... .....	Acting commander of company.

	July 18, 1867	78
MANITOWOC V. M. COMPANY Manitowoc, Manitowoc county.		
F. Becker	Captain .....	.....
Wm. H. Henschmeyer	First Lieutenant .....	.....
Henry Switzer	Second Lieutenant .....	.....
TROJAN VOLUNTEER BATTERY. East Troy, Walworth county.	Dec. 29, 1865	65
A. O. Babcock	Captain .....	.....
Theodore Haller	First Lieutenant .....	.....
J. B. La Grange	Second Lieutenant .....	.....
DELAVER VOLUNTEERS Delavan, Walworth county.	Aug. 24, 1869	85
Myron L. Gregory	Captain .....	.....
C. J. Walton	First Lieutenant .....	.....
Florence Donahue	Second Lieutenant .....	.....
MAUSTON LIGHT GUARDS Mauston, Juneau county.	Aug. 31, 1869	80
John Turner	Captain .....	.....
W. N. Remington	First Lieutenant .....	.....
B. F. Parker	Second Lieutenant .....	.....
PRAIRIE CITY BATTERY Ripon, Fond du Lac county.	June 14, 1871	67
Thomas Lambert	First Lieutenant .....	.....
C. R. Foster	Second Lieutenant .....	.....

Companies—continued.

	Strength of Co.	Remarks.
	75	
	
	
	
	65	
		Vice De Villiers, resigned.
		Vice H. Klemme, resigned.
		Vice Carson, resigned.
Charles M. Mueller		
John Grams		
O. O. Gullert		
MONROE GUARDS	April 9, 1874	101
Tomah, Monroe county.		
George Graham		
Thomas McCaul		
A. G. Bennie		
VERNON COUNTY LIGHT GUARDS	May 27, 1874	75
Viroqua, Vernon county.		
E. M. Rogers		
John W. Greenman		
H. R. Van Wagner		

EMMETT ZOUAVES	Jan. 17, 1874..	67
Highland, Iowa County.		
Richard Flynn	Captain .....	.....
Richard Kennedy	1st Lieutenant .....	.....
John Nolan	2d Lieutenant .....	.....

RECAPITULATION.

Governors Staff	10
Field and Staff first Regiment of Wisconsin Volunteer Militia.....	6
Company Officers.....	59
Non-Commissioned Officers and enlisted men Infantry	1,193
Artillery	265
Total Strength.....	1,533

ANNUAL REPORT
OF THE
QUARTERMASTER GENERAL
OF THE
STATE OF WISCONSIN,

FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1874.

To his Excellency, WM. R. TAYLOR,

Commander-in-Chief.

SIR:—In compliance with law I have the honor to transmit herewith the annual report of the Quartermaster General's Department for the year ending September 30, 1874.

Its transactions have been, with one or two trifling exceptions, confined wholly to drawing two hundred breech-loading Springfield muskets of the latest pattern from the Federal Government; issuing arms and accoutrements to new companies; and exchanging new arms, with latest improvements, for old and comparatively worthless ones, previously issued to the military organizations of the state.

The expenses of the Quartermaster General's department for the year just closed, have been for the purchase of a half dozen flags, two dozen "Tactics," and the freight and cartage on arms received from and shipped to the different military companies. As these are all specifically set forth on page 74 of the annual report of the Secretary of State for 1874, I beg to refer you to that document for a detailed statement of expenditures, and to state that the total

cost of maintaining the present militia organization of the state of Wisconsin, including all expenses of the Adjutant General's and Quartermaster General's departments for the year ending Sept. 30, 1874, was \$3,477.01.

So many requests were made by newly commissioned officers for some book of "Tactics," that twenty-four copies of Upton's revised edition were procured early in the season and issued pursuant to the provisions of section 17, chapter 407, general laws of 1864, to companies in the order of their application. Since then, requisitions for as many more have been received, and I submit to your Excellency the propriety of issuing three copies annually to each military organization in the state. The expense will be insignificant, probably less than one hundred dollars per annum for years to come, while the benefits will be far extending and incalculable.

The practice of issuing or loaning arms to other than military companies duly organized under the laws of the state, without requiring the bonds prescribed by law, or without keeping the necessary records of their issue in this department, seems to have prevailed to a considerable extent in the past. Information of state arms being in possession of private organizations in utter disregard of the express provisions of law, has in more than one instance come to my knowledge within the current year. Some of these arms have been promptly returned on demand. Others are still out, although their return has been repeatedly requested. Still others, I am satisfied, can only be recovered by the Quartermaster General going in person, and making a personal and official demand for the same, or by the Commander-in-Chief making the necessary detail to take them by force. All peaceable means will be exhausted to regain possession of such state property, and the result transmitted to your Excellency for information, or final determination.

Although not strictly within the requirements of a Quartermaster General's report, I venture to call your attention to the frequency with which military companies have been organized in the past, arms issued and shipped to them at the expense of the state, and the companies thereafter disbanded within an unreasonably short period of time. The state was thus subjected to loss in freight and the inevitable deterioration in arms, for no commensurate public good. If any additional legislation is needed to correct this abuse beyond that now vested in you by law as commander-in-

chief, I suggest that it be upon the basis of limiting the number of military organizations in counties in proportion to population.

The annual appropriation of one hundred dollars to each military organization in the state, is, in my opinion, wholly insufficient to secure the ends contemplated by the passage of the law, and serves only to stimulate into transient existence weak and inefficient companies. In the case of cavalry and artillery, the aid given by the state is ridiculously trifling compared with the expense of keeping up an efficient organization. Neither can perfect themselves in company drill without horses, and the hire of the latter for one single parade, often costs more than the whole sum received from the state as yearly aid.

In view of the fact that the "Milwaukee Light Artillery" is the only organization of that arm of the service in the state; that it has only been kept alive in the past by a great sacrifice of time and money on the part of its members; that its future is now clouded and uncertain; and the unquestioned importance of having at least one artillery organization in the state in complete preparation for instant duty in case of riot, insurrection or invasion, I very urgently recommend to your Excellency the necessity for procuring such additional legislature as will appropriate to this battery, or its successor, at least one thousand dollars per annum. A moment's reflection should convince every one of the vast importance to the state of having at least one reliable battery at its command for emergencies. This it now has, and I cannot but think that any such disregard of its just claims for support as will lead to its disorganization and dissolution, will prove a public calamity and be chargeable in the end, with an immense loss of property and life.

Appendix "A" shows the number and sources of arms received during the year.

Appendix "B" shows all the arms and accoutrements issued to and now held by the various military organizations of the state.

Appendix "C" shows the ordnance and ordnance stores issued during the year, and to whom delivered.

Appendix "D" shows the arms now on hand, in possession of the Quartermaster General, Sept. 30, 1874.

Appendix "E" shows the number of cannon owned by the state and in whose possession each piece now is.

Appendix " F " shows the amount of ammunition on hand Sept. 30, 1874.

I have the honor to remain,

Very respectfully, your obedient servant,

S. CADWALLADER,
Quarter Master General.

APPENDIX.

APPENDIX A.

Showing Arms received from different Military Companies in the State during 1874.

Fond du Lac Rifle Company:

20 Springfield B. L. rifles, with accoutrements complete.

40 Springfield muskets, with accoutrements complete.

Alma Rifle Company:

100 Enfield muskets, with accoutrements complete.

United States:

200 Springfield B. L. rifles.

Capt. M. Boynton:

75 Springfield muskets, with accoutrements complete.

Manitowoc V. M. Company:

75 Enfield muskets.

APPENDIX B.

Showing all Arms, Accoutrements, etc., issued and now held by the following Companies.

Capt. John Limehan, commanding Emmett Zouaves, of Milwaukee:

60 Springfield muskets, with accoutrements complete.

Capt. John P. Strack, commanding Black Jaegers, of Milwaukee:

30 breech-loading rifles, with accoutrements complete.

35 Springfield muskets, with accoutrements complete.

Capt. Charles R. Wurtz, commanding Juneau Guards, of Milwaukee:

30 Springfield muskets, with accoutrements complete.

35 breech-loading rifles, with accoutrements complete.

Capt. Henry Underberg, commanding Germania Guard, of Milwaukee:

35 Springfield muskets, with accoutrements complete.

25 breech-loading rifles, with accoutrements complete.

Capt. Albert Obenferger, commanding Cream City Guard, of Milwaukee:

45 Springfield muskets, with accoutrements complete.

Capt. J. M. Arnold, commanding Light Guards, of Milwaukee.

Capt. James M. Reddy, commanding Sheridan Guard, of Milwaukee.

Capt. August Rudzinsky, commanding Kosciusko Guards at Milwaukee.

50 breech-loading rifles, with accoutrements complete.

50 Springfield muskets, with accoutrements complete.

Capt. Charles M. Mueller, commanding Governor's Guard, of La Crosse.

58 breech-loading rifles, with accoutrements complete.

Capt. R. D. Picke, commanding Bayfield Rifles, of Bayfield.

60 breech-loading rifles, with accoutrements complete.

Capt. F. Becker, commanding Manitowoc V. M. Company, of Manitowoc.

50 breech-loading rifles, with accoutrements complete.

Capt. John Turner, commanding Mauston Light Guards, of Mauston.

80 Springfield muskets, with accoutrements complete.

Capt. George Graham, commanding Monroe Guards, of Tomah.

60 breech-loading rifles with accoutrements complete.

22 Springfield muskets, with accoutrements complete.

Capt. E. M. Rogers, commanding Vernon County Light Guards, of Viroqua:

60 breech-loading rifles with accoutrements complete.

20 Springfield muskets, with accoutrements complete.

Capt. Richard Flynn, commanding Emmett Zouaves, of Highland:

60 breech-loading rifles, with accoutrements complete.

Capt. Myron L. Gregory, commanding Delavan Volunteers, of Delavan:

80 Enfield muskets, with accoutrements complete.

N. N. Green, commanding La Crosse Guards, of La Crosse.

60 breech-loading rifles, with accoutrements complete.

APPENDIX C.

Showing the number of Arms on hand Sept. 30, 1874.

Springfield muskets.....	205
Springfield breech loading rifles.....	60
Enfield muskets.....	269
Cavalry carbines.....	50
Artillery carbines.....	58
Total.....	<u>642</u>

APPENDIX "D."

Showing Amount of Ordnance and Ordnance Stores issued during the Year ending Sept. 30, 1874.

June 13, 1874. Issued to Capt. Geo. Graham, commanding Monroe Guards, of Tomah:

60 breech-loading rifles, with accoutrements complete.
22 Springfield muskets, with accoutrements complete.
5 N. C. O. swords and belts.

June 17, 1874. Issued to Capt. E. M. Rogers, commanding Vernon County Light Guards, of Viroqua:

60 breech-loading rifles, with accoutrements complete.
20 Springfield muskets, with accoutrements complete.
5 N. C. O. swords and belts.

June 22, 1874. Issued to Capt. F. Becker, commanding Manitowoc V. M. Company, of Manitowoc:

50 breech-loading rifles.
1000 metallic cartridges, cal. 50.

June 26, 1874. Issued to Capt. Richard Flynn, commanding Emmett Zouaves, of Highland:

60 breech-loading rifles, with accoutrements complete.
5 N. C. O. swords and belts.
1000 metallic cartridges, cal. 50.

Sept. 23, 1874. Issued to Capt. August Rudzinsky, commanding Kosciusko Guards, of Milwaukee:

50 breech-loading rifles, with accoutrements complete.

50 Springfield muskets, with accoutrements complete.

5 N. C. O. swords and belts.

APPENDIX "E."

Showing number of Cannon owned by the State, and in whose possession.

1 light 12-pounder, with field carriages and appendages complete, in possession of Captain A. O. Babcock, "Trojan Volunteer Artillery," Walworth county.

1 light 12-pounder, with field carriages and appendages complete, in possession of David G. James, "Richland Center-Light Artillery," Richland county.

3 6-pounders, in possession of Capt. Charles May, "Milwaukee Light Artillery."

1 6-pounder, in possession of citizens of Dodgeville, Iowa county. (No bond.)

1 6-pounder, in possession of Col. John Hancock, Oshkosh, Winnebago county.

1 6-pounder, in possession of Col. Thos. Lambert, Fond du Lac county.

1 6-pounder in possession of Capt. John Grindell, Platteville, Grant county.

1 6-pounder, in possession of Edward Hodges, Elkhorn, Walworth county.

1 12-pounder howitzer, in possession of Capt. Washington Ashton, Superior, Douglas county.

1 12-pounder and 1 6-pounder on hand at State Armory.

Total, 13.

APPENDIX "F."

Showing Ammunition on hand in 1874.

Round shot and shell for 2-pounder, rounds..... 14

Elongated ball cartridges on hand.

Calibre (58) 10,000

Calibre (50) metallic 18,000

DOCUMENT 15.

FOURTH ANNUAL REPORT
OF THE
STATE BOARD
OF
CHARITIES AND REFORM
OF THE
STATE OF WISCONSIN,

PRESENTED TO THE GOVERNOR, DECEMBER, 1874.

MADISON, WIS.:
ATWOOD & CULVER, PRINTERS AND STEREOTYPERS.
1874.

STATE BOARD OF CHARITIES AND REFORM.

ANDREW E. ELMORE, - Fort Howard, - Term expires, April 1, 1875.
MARY E. B. LYNDE, - Milwaukee, - Term expires, April 1, 1876.
WILLIAM W. REED, - Jefferson, - Term expires, April 1, 1877.
EMMONS E. CHAPIN, - Columbus, - Term expires, April 1, 1878.
HIRAM H. GILES, - Madison, - Term expires, April 1, 1879.

OFFICERS OF THE BOARD.

HIRAM H. GILES,

PRESIDENT.

EMMONS E. CHAPIN,

VICE PRESIDENT.

ALFRED C. PARKINSON,

SECRETARY.

FOURTH ANNUAL REPORT.

To his Excellency, W. R. TAYLOR,

Governor of the State of Wisconsin:

The undersigned members of the State Board of Charities and Reform have the honor to submit to you their fourth annual report, as required by law.

We are, with respect,

ANDREW E. ELMORE,
MARY E. B. LYNDE,
W. W. REED,
E. E. CHAPIN,
H. H. GILES,

A. C. PARKINSON,
Secretary.

MADISON, December 8, 1874.

CHAPTER FIRST.

LAWS, DEFINING THE POWERS AND DUTIES OF THE BOARD, WITH
EXTRACTS FROM ITS TRANSACTIONS.

LAWS RELATING TO THE BOARD.

Chapter 136—General Laws 1871.

AN ACT TO AUTHORIZE A STATE BOARD OF CHARITIES AND
REFORM.

[As amended by Chapter 137, General Laws, 1872.]

*The People of the State of Wisconsin, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. To the end that the administration of public charity and correction may be conducted upon sound principles of economy, justice and humanity, and that the relations between the state and its dependent and criminal classes may become better understood, there is hereby created a State Board of Charities and Reform.

MEMBERS OF THE BOARD.

SECTION 2. The said board shall consist of five members, who shall be appointed by the governor, and shall hold their offices for the term of five years, and until their successors are appointed and qualified, except that at the first appointment the term of one member shall be fixed for one year, of another for two years, of another for three years, of another for four years, and of the other for five years. When any vacancy shall occur in the board by res-

ignation, death or otherwise, the governor shall appoint a new member to serve the residue of the unexpired term.

MEETINGS.

SECTION 3. The board shall meet in the office of the secretary of State within sixty days after their appointment, to organize and transact such other business as may be necessary to carry into effect the provisions of this act. They shall afterward meet in October, on or before the 15th day, and in January, on or before the 10th day, in each year; and they may hold such other meetings as they may decide upon.

SECRETARY.

SECTION 4. The board shall appoint a qualified elector as secretary, whose duty it shall be to keep the books and records of the board, to prepare such papers, to make such visits and to engage in such researches and investigations as may be required of him by the board. He shall hold his office for three years, unless sooner discharged by the board.

STATE CHARITABLE AND CORRECTIONAL INSTITUTIONS.

SECTION 5. It shall be the duty of the board to investigate and supervise the whole system of the charitable and correctional institutions supported by the state or receiving aid from the state treasury, by personal visits to such, making themselves familiar with all matters necessary to be understood in judging of their usefulness and of the honesty and economy of their management; and it shall be their duty to recommend such changes and additional provisions as they may deem necessary for their greater economy and efficiency.

POOR HOUSES.

SECTION 6. It shall be the further duty of the board to commence and to conduct a course of investigation into the condition of poor houses in the state, personally visiting and inspecting them from time to time, ascertaining how many persons of each sex are therein maintained, at what cost, and under what circumstances, as to health, comfort and good morals; how many insane persons are therein confined, and whether such arrangements are made for their care as humanity demands; also how many idiotic persons are therein supported; also how many poor children the said poor houses con-

tain, and what provision is made for their suitable care and education. They shall also collect statistics as to the number of the poor who are supported or relieved by towns or otherwise at the public expense, outside of poor houses, the cost at which such support or relief is furnished, and any other important facts therewith connected. They shall also inquire to what extent the provisions of the law in regard to binding out poor children are complied with; and in general, they shall seek to collect such facts as may throw light upon the adequacy and efficiency of existing provisions for the support and relief of the poor, and any causes operating to increase or diminish the amount of pauperism in the state, or to place the burden of relieving it where it does not properly belong.

JAILS, ETC.

SECTION 7. It shall be the further duty of the board to commence and conduct a course of investigation in regard to jails, city prisons, houses of correction and other places in the state in which persons convicted or suspected of crime, or any insane persons are confined, ascertaining, by visit or otherwise, their sanitary condition, their arrangement for the separation of hardened criminals from juvenile offenders and from persons suspected of crime or detained as witnesses; also, whether any useful employment is furnished for prisoners, whether the insane are treated with due regard for humanity, and what efforts are put forth for the reformation of criminals; and in general, they shall endeavor to ascertain for the information of the legislature, any important facts or considerations bearing upon the best treatment of criminals and the diminution of crime.

POWERS OF THE BOARD.

SECTION 8. The board shall have full power at all times to look into and examine the condition of the institutions and establishments referred to in this act, to inquire into and examine their methods of treatment, instruction, government and management of their inmates, the official conduct of trustees, managers, directors, superintendents and other officers and employes of the same, the conditions of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to all parts of the grounds and buildings, and to all books and papers of said institutions and establishments; and all persons

now or hereafter connected with the same are hereby directed and required to give, either verbally or in writing, as the board may direct, such information, and to afford such facilities for inspection as the board may require.

REPORT.

[As amended by chapter 137, general laws, 1872.]

SECTION 9. On or before the 15th day of December, in each year, the board shall present to the governor a report of their proceedings and of their expenses under this act. Said report shall contain a concise statement of the condition of each of the charitable and correctional institutions supported by the state, or receiving aid from the state treasury, together with their opinion of the appropriation proper to be made, for each, for the following year. It shall also embody the results of their investigations during the year in regard to the support of the poor, and the treatment of criminals, and shall also contain any information, suggestions or recommendations which they may choose to present upon the matters by this act assigned to their supervision and examination. Three thousand (3,000) copies of this report shall be printed by the state printer, in the same manner as those of state officers are printed, for the use of the board and of the legislature.

NOT TO BE INTERESTED IN CONTRACTS, ETC.

SECTIONS 10. All members of the board and the secretary of the board are hereby prohibited from being interested, directly or indirectly, in any contract or arrangement for building, repairing, furnishing or providing any supplies of either of the institutions placed under their supervision.

COMPENSATION, ETC.

(As amended by chapter 137, general laws, 1872)

SECTION 11. The members of the board shall receive no compensation for the services rendered under this act. Upon filing with the secretary of state sworn statements of the amount of the expenses actually and necessarily incurred by them in carrying out the other provisions of this act, they shall have the amount of said expenses refunded to them from the state treasury ; and the secretary of state is hereby authorized and required to draw his warrant on the state treasury for the amount of expenses so incurred and

proven. The secretary of the board shall receive for all services rendered by him under this act, fifteen hundred dollars per annum, payable upon the warrant of the board, quarterly, from the state treasury. His actual and necessary expenses incurred in performing his duties shall be refunded in the same manner as those of the members of the board. And there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to comply with the provisions of this act. The board shall be supplied with all necessary stationery, blanks, printing, postage stamps, stamped envelopes for their own use and for the use of their secretary, in the same manner in which state officers are now supplied with these articles. And there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to comply with the provisions of this act.

Chapter 66—General Laws 1872.

AN ACT TO PROVIDE FOR A UNIFORM SYSTEM OF KEEPING THE BOOKS AND ACCOUNTS OF THE STATE CHARITABLE AND PENAL INSTITUTIONS.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

TO BE PREPARED BY STATE BOARD OF CHARITIES.

SECTION 1. The State Board of Charities and Reform are hereby authorized and directed to prepare a system or plan for keeping the books and accounts of the state charitable and penal institutions, to be as near uniform as can be adapted to the wants and necessities of the different institutions.

TO BE APPROVED BY GOVERNOR.

SECTION 2. Upon the completion of such system or plan, it shall be submitted to the governor, and, when approved by him, shall be adopted by all the state charitable and penal institutions.

ANNUAL REPORTS TO CONTAIN DETAILED STATEMENTS OF EXPENDITURES.

SECTION 3. Hereafter the annual reports of the state charitable and penal institutions shall contain a detailed statement of their

expenditures for the year, prepared in such form as shall be prescribed by the state board of charities and reform.

SECTION 4. This act shall take effect and be in force from and after its passage.

Chapter 188—General Laws of 1874.

INCREASING THE POWERS OF THE BOARD.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

AUTHORIZED TO CONDUCT INVESTIGATIONS.

SECTION 1. Section 8 of chapter 136 of the general laws of 1871, is hereby amended so as to read as follows: Section 8. The board shall have full power at times to look into and examine the condition of the institutions and establishments referred to in this act, to inquire into and examine their methods of treatment, instruction, government and management of their inmates, the official conduct of trustees, managers, directors, superintendents and other officers and employes of the same, the conditions of the building, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to all parts of the grounds and buildings, and to all books and papers of said institutions and establishments; and all persons now or hereafter connected with the same are hereby directed and required to give either verbally or in writing as the board may direct, such information, and to afford such facilities for inspection as the board may require. And the several members of the board and the secretary thereof are each hereby authorized to administer oaths in examining any person or persons, relative to any matters connected with the inquiries or investigations authorized by this act. And if any person so examined shall knowingly swear falsely on his or her examination, they or he shall be deemed guilty of perjury, and shall be punished in the manner provided in section two of chapter 167 of the revised statutes, entitled "of offenses against public justice."

HOW TESTIMONY SHALL BE TAKEN.

SECTION 2. In case the said board shall desire to avail themselves of the provisions of chapter 25 of the general laws of 1868,

“an act to provide for taking the deposition of witnesses in certain cases,” they shall place a vote to that effect upon their records and directing their secretary to make an application to some court commissioner, justice of the peace or other officer authorized by the laws of this state to take depositions, to be used and read in the circuit courts of this state, and upon such application it shall be the duty of such court commissioner or other officer to proceed in all respects as though the application had been made by the officers of state institutions as provided in said chapter 25; and all the provisions of said chapter 25 shall apply to the taking of depositions of witnesses on the application of the state board of charities and reform, the same as though application was made by trustees, managers or regents of state institutions.

FEEES FOR SERVING PAPERS.

SECTION 3. Any officer serving papers under the provisions of this act or the act to which this is amendatory, shall be entitled to the fees now allowed by law for similar services, to be audited and paid in the manner provided in said chapter 25, for the payment of the fees of the commissioner or other officer and the fees of witnesses.

DUTIES, COMPENSATION, ETC.

SECTION 4. It shall be the duty of the state board of charities and reform, when directed by the governor so to do, to investigate into the past or present management of any or either of the penal, correctional, reformatory or charitable state institutions, and they shall keep the governor advised of the progress being made in such investigations, and such reports shall from time to time be made as the governor may require; and upon the completion of such investigations they shall report to the governor the facts of the case in full. For services thus rendered under direction of the governor, each member of the board shall receive the sum of five dollars per day for the time actually devoted to such investigations, and accounts therefor, when approved by the governor, shall be audited by the secretary of state and paid from the state treasury.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 10, 1874.

PROCEEDINGS OF THE BOARD.

MEETING AT MADISON.

JANUARY 5, 1874. Pursuant to a call duly issued, a regular meeting of the State Board of Charities and Reform was held at the office of the board in Madison, on Monday evening, January 5, 1874.

After transacting the usual business, the board took a recess till the following day.

JANUARY 6. The board reassembled at 9 o'clock A. M. The day was spent in considering the question of appropriations to the various state institutions.

JANUARY 7. The board met at 8 o'clock A. M. A number of bills were laid before the board and audited.

RESIGNATION OF MRS. LYNDE, MESSRS. MERRILL AND ALLEN.

During the month of February, 1874, Mary E. B. Lynde, Williard Merrill and Wm. C. Allen sent their resignations to the governor.

On the 8th of April, 1874, the vacancies caused by these resignations were filled by appointment of the governor, as follows, viz.:

Mary E. B. Lynde, of Milwaukee, *vice* Mary E. B. Lynde; term expires April 1, 1876.

W. W. Reed, of Jefferson, *vice* Williard Merrill, term expires April 1, 1877.

E. E. Chapin, of Columbus, *vice* Wm. C. Allen; term expires April 1, 1878.

The term of office of H. H. Giles, of Madison, having expired April 1, 1874, he was reappointed for the term of five years, ending April 1, 1879.

MEETING OF THE BOARD AT MADISON.

APRIL 16, 1874. A meeting of the board was held at its office in Madison, Thursday evening, April 16, 1874.

The four members of the board present, viz: H. H. Giles, A. E. Elmore, E. E. Chapin and W. W. Reed, took and subscribed the oath of office.

Mr. Giles' term of office having expired, and Judge Allen having resigned as a member of the board, it was decided that the board was without a president or vice president, whereupon Mr. Giles was called to the chair.

The board then took a recess to the following day.

APRIL 17. The board re-assembled at 8 o'clock A. M. Mr. Giles in the chair.

SECRETARY HASTINGS' RESIGNATION.

The Secretary laid before the board a communication, of which the following is a copy:

" MADISON, April 17, 1874.

" To the State Board of Charities and Reform:

" Having found the duties of my position much more laborious, and the time required for their performance much greater than I anticipated when I accepted it, and having for a long time had it in contemplation to resign, as the board has been just now, in a measure, reconstructed, and quite likely as at present organized the board would prefer some other person in my place, I regard this as an appropriate time to withdraw, and hence would respectfully request you to accept this as my resignation of the office of Secretary of your board.

" Respectfully yours, etc.,

" SAM'L D. HASTINGS."

The resignation of Mr. Hastings was accepted, and on motion the board proceeded to the election of officers, which resulted as follows, viz:—

President, H. H. Giles—Madison.

Vice President, E. E. Chapin—Columbus.

Secretary, A. C. Parkinson—Madison.

The Secretary was elected for the period of three years, the term to commence May 1, 1874.

INVITATIONS ACCEPTED.

The Secretary then laid before the board, invitations to attend the session of the Prison Reform Congress, to be held in the city of

St. Louis, commencing May 13; and to attend the session of the American Social Science Association, to be held in the city of New York, commencing May 19. In connection with the latter, a conference of the Boards of Public Charity of the United States was to be held. On motion, these invitations were accepted, and the Secretary instructed to furnish the several members of the board with proper credentials.

A. C. PARKINSON ACCEPTS THE SECRETARYSHIP.

A communication, of which the following is a correct copy, was filed in the office of the board, April 24, 1874.

To the State Board of Charities and Reform:

I have been officially notified of your action in electing me to the position of Secretary of the State Board of Charities and Reform, for the term of three years, commencing May 1, 1874.

In accepting the position, allow me to return you my sincere thanks for this expression of your confidence. In the discharge of the duties of the office I shall earnestly endeavor to do what will most redound to the benefit of the state and to the credit and good name of the Board.

Yours with kind regard,

A. C. PARKINSON.

MEETING AT MILWAUKEE.

MAY 4, 1874. Pursuant to adjournment, the board met at Milwaukee, Monday evening, May 4, 1874. All the members were present. President Giles in the chair.

Mrs. Lynde, as a member, and A. C. Parkinson, as secretary of the board, took and subscribed the oath of office.

The importance of requiring a more detailed system of book-keeping from the various state institutions, was discussed at some length by the several members of the board. In this connection, it was

VOTED, That the Secretary be instructed to prepare blanks for detailed statements from the several state institutions; such blanks to be of the form provided for by the action of this board on the 16th of April, 1873—the same to be submitted at the next meeting of the board.

COST OF STATE INSTITUTIONS.

At this meeting, the following resolution was unanimously adopted:

Resolved, That the Secretary of the board be requested to prepare, and report at the next meeting of the board, a tabular statement showing what the state has paid for construction and current expenses of the Wisconsin State Prison, Institute for the Deaf and Dumb, Institute for the Blind, Industrial School for Boys, Soldiers' Orphans' Home, Wisconsin State Hospital for Insane, Northern Hospital for Insane, and what has been the number of inmates each year in each institution; and the yearly expense of each institution to the state; also the entire number of persons received in each institution since its foundation.

Resolved, That the Secretary be requested to prepare and report at his earliest convenience, a table of like institutions of the states of Michigan, Illinois, Iowa, New York, Pennsylvania and Massachusetts.

NATIONAL REFORM CONGRESS.

It was further

VOTED, That vice-President Chapin and the Secretary be authorized to attend the session of the National Prison Reform Congress, to be held at St. Louis, Mo., May 13, 1874.

VISIT TO MILWAUKEE INSTITUTIONS.

MAY 5, 1874. The board met at 8 o'clock, and proceeded to visit the Milwaukee House of Correction, the Milwaukee County Poorhouse at Wauwatosa, the Protestant Orphan Asylum, Catholic Orphan Asylum, and Home for the Friendless, in Milwaukee. At 5 o'clock P. M., of this day, the board left to visit the Industrial School for Boys, at Waukesha.

MEETING AT WAUKESHA.

MAY 6. 1874. The greater part of this day was occupied in making a careful inspection of the school, in all its departments.

While at Waukesha, the following action was had by the board:

WHEREAS, At the visit of this board to the Milwaukee House of

Correction, May 5, 1874, we found under sentence two boys under sixteen years of age; and

WHEREAS, The register shows frequent committals of such minors; and

WHEREAS, In the opinion of this board, the House of Correction is not a suitable place for the punishment or confinement of such youthful offenders; therefore, be it

Resolved, That the Secretary be instructed to communicate to Judge Mallory the views of this board on this subject.

Resolved, That the practice of sending boys under the age of sixteen to our common jails or houses of correction, where they are in constant association with hardened criminals, is pernicious and ought to be discontinued.

Resolved, That, in the opinion of this board, such youthful delinquents should be sent to the Industrial School for Boys, at Waukesha.

The above preamble and resolutions were unanimously adopted.

VOTED, That Mrs. Lynde, in company with the President, be authorized to attend the Social Science Convention and the National Conference of the Boards of Public Charity of the United States, to be held in the city of New York, May 19, 1874.

MEETING AT WAUPUN.

JUNE 22, 1874. An adjourned meeting of the board was held at the State Prison in Waupun, on Monday evening, June 22, 1874, and remained in session two days. Questions concerning the management of the prison, past and present, were considered.

The report of the board on the State Prison investigation will be found elsewhere in this report.

JUNE 30, 1874. The board met this day at the State Prison. Matters connected with the prison investigation occupied the greater part of two days. While in session at this time the Secretary, in compliance with a previous resolution of the board, submit the form for "blanks" for a detailed statement of the receipts and expenditures of the several state institutions; which form was adopted by the board.

PROVISION FOR CRIMINAL INSANE.

At this meeting, the following resolution was unanimously adopted:

Resolved, That the State Board of Charities and Reform recommend the directors of the State Prison, to prepare immediately, or as soon as can conveniently be done, suitable accommodations for the insane criminals in the unfinished wing, and employ for their care competent attendants.

Resolved, That the Secretary be instructed to transmit to the board of directors of the State Prison, a copy of the foregoing resolution.

MEETING AT OSHKOSH.

JULY 15, 1874. The board this day met at the Northern Hospital for Insane. A thorough inspection of all the departments of the institution was made. The board was occupied for some time, at this meeting, in inquiring into the truth or falsity of certain statements of a highly sensational character, recently appearing in the public press, charging the superintendent, Dr. Kempster, with cruelty to certain inmates of the hospital, and with mismanagement in other respects. After obtaining all the facts pertaining to these charges that we could reach, Mr. Elmore and the Secretary were instructed to examine the matter further and report their conclusions to the board at their earliest convenience. This report will be found elsewhere in connection with our remarks on the Northern Hospital.

During the afternoon of this day the board visited the Winnebago county poorhouse.

MEETING AT MADISON.

JULY 20, 1874. The board met this day, at its office in Madison, at 8 o'clock P. M.

CAUSES OF PAUPERISM.

Communications were read from the committee appointed at the national conference in New York, relating to the matter of uniform

action among the State Boards of Public Charity in the United States in the collection of information on the subject of *pauperism*. The following action was had with reference to these communications:

Resolved, That this board will co-operate with the State Boards of Charities of other states in the proposed inquiry into the causes of "pauperism," and to this end will, as soon as practicable, commence a course of investigation into the personal history of the inmates of our county poor-houses.

JULY 21, 1874. The board this day visited the Wisconsin State Hospital for Insane at Madison.

MEETING AT MILWAUKEE.

AUGUST 3, 1874. The board met at the Plankinton House, in Milwaukee. All the members present. The evening was spent in hearing the statement of a committee of ladies of the local visiting committee of Milwaukee County Charities and Correction, touching upon certain charges made against the superintendent and matron of the insane department of the Milwaukee county poor house. On the following day,

AUGUST 4th, the members of the board paid a visit to the poor-house at Wauwatosa, for the purpose of ascertaining what foundation there was for these charges.

SEPTEMBER 8, 1874. A meeting of the board was held at the Plankinton House, Milwaukee, on the evening of September 8, 1874. The reports of several committees were submitted and approved.

The Secretary presented to the board, at this meeting, letters from two or three superintendents of the state institutions, asking the board to modify the blanks furnished for reports of receipts and disbursements, so as to lessen the work required. The complaint was, that the blanks required a statement so fully itemized, as to necessitate great labor in their preparation, and by another year this labor would be obviated, in a great measure, by commencing early to keep the books of the institution with reference

to this system of blanks. But as these blanks had been furnished to all the state institutions, the board, desiring that all the reports should be uniform as nearly as possible, unanimously adopted the following resolution:

Resolved, That the State Board of Charities and Reform will insist that the blank forms furnished the various state institutions for detailed statement of receipts and expenditures, be strictly complied with.

While in session, at this time, the following action was had:

Resolved, That the superintendents of the hospitals for the insane be required to amend the questions in their applications by the addition of the following interrogatories, viz: "How long has the applicant resided in the United States?" "How long has the applicant resided in the state?"

MEETING AT WAUPUN,

SEPTEMBER 24, 1874. Pursuant to notice duly given by the Secretary, the board met at the State Prison, at Waupun, at 8 o'clock on the evening of September 24, 1874. The first object of the meeting was to consider certain matters pertaining to the State Prison investigation. On the following day, Geo. F. Wheeler, late State Prison commissioner, in company with his book-keeper, appeared before the Board to answer certain interrogatories relating to the investigation.

The afternoon of this day, September 25, was spent in reading the testimony previously taken of a large number of witnesses, pertaining to charges of alleged mismanagement in the female department of the prison. Mr. Wheeler and Mr. Bettis were present during the reading of the testimony. Desiring to produce testimony in rebuttal of these charges, Messrs. Wheeler and Bettis asked an adjournment of the board to enable them to produce their witnesses which request was granted, and the board adjourned, subject to the call of the Secretary.

ADJOURNED MEETING AT WAUPUN.

OCTOBER 12, 1874. The board this day met at Waupun to conclude its labors in the matter of the State Prison investigation.

The board was in session at this time five days, during which time a great number of witnesses were examined.

MEETING AT MADISON.

OCTOBER 26, 1874. The board this day met at its office in Madison. On the following day, a visit was made to the State Hospital and to the Soldiers' Orphans' Home.

On Wednesday, the 27th, the board held a conference with members of the board of trustees of the Soldiers' Orphans' Home, considering the question as to what method of providing for the few remaining children of the Home, should be adopted. The matter of disposing of or in some way utilizing the Home buildings and property, was also talked over.

NOVEMBER 4. This day the board met at its office in Madison, for the transaction of business. Matters connected with the preparation of the annual report were considered. On the following day, the board adopted a plan for making its annual visits to the various state institutions. It was

VOTED, That Dr. Reed, of this Board, be requested to prepare a paper on "Poor-houses" for the next annual report.

NOVEMBER 16. The board met at its office at 8 o'clock. All the members present.

The evening was spent in hearing the report of the prison investigation, read by the Secretary. The following day, a portion of the manuscript copy of the annual report was read and approved by the board.

EXPENSES OF THE BOARD.

1873			
Aug. 20	British parliamentary reports	\$4 50	.....
Oct. 20	Carriage hire to hospital for the insane (m)..	12 00	.....
Dec. 13	Express charges on package of reports from Delavan.....	30	.....
1874			
May 6	Carriage hire, meeting at Milwaukee	10 00	.....
May 6	Hotel fare of members, meeting at Milwaukee.	4 00	.....
May 6	Expressing documents to Connecticut	1 75	.....
May 6	Expressing documents to Philadelphia.....	1 05	.....
May 6	Telegraphing.....	5 78	.....
May 6	Expressing documents to members of the Board	1 00	.....
			\$40 38
EXPENSES OF SECRETARY.			
1873			
Sept. 3	Expense of visit to Institute for the Blind, Janesville	\$3 70	.....
Sept. 16	Expense of visit to Institute for Deaf and Dumb, Delavan.....	6 95	.....
Sept. 16	Expense of visit to Industrial School for Boys.	10 00	.....
Oct. 24	Expense of visit to State Prison, Waupun...	8 00	.....
Nov. 4	Expense of visit to Walworth Co., poorhouse.	8 65	.....
Dec. 15	Expense of visit to Northern Hospital for the Insane, Oshkosh	5 60	.....
1874			
May 4	Railroad fare to and from Milwaukee, attending meeting of Board.....	6 50	.....
May 4	Hotel fare at Milwaukee.....	3 25	.....
May 16	Railroad fare to and from St. Louis, attending prison reform congress	32 05	.....
May 16	Hotel fare at St. Louis.....	10 50	.....
June 22	Expense attending a meeting of Board at Waupun.....	8 50	.....
June 30	Expense attending meeting of Board at Waupun, and visiting Brown county poorhouse at Green Bay.....	19 45	.....
Aug. 3	Expense attending meeting of Board at Milwaukee	9 75	.....
Aug. 14	Expense attending meeting at Waupun.. ..	12 50	.....
Aug. 21	Expense in visiting the jails and poorhouses in La Fayette and Green counties.....	15 30	.....
			160 70
			1,500 00
MRS. M. E. B. LYNDE.			
Expenses attending meetings of the Board and visiting public institutions, jails and poorhouses, from January 1, to September 30, 1874		\$104 45	.....
Expense attending social science convention by direction of the Board.....		89 62	.....
			194 07
WILLIAM C. ALLEN.			
Expenses attending meetings of Board and visiting public institutions from January 1, to September 30, 1874.....			116 55

Expenses of Board—continued.

H. H. GILES.		
Expenses attending meetings of the Board from January 1, to September 30, 1874.....	\$35 85	.....
Expenses attending conference of state boards in New York, May 18, 1874, by order of the Board.....	76 20	.....
		112 05
E. E. CHAPIN.		
Expense attending meetings of the Board from January 1, to September 30, 1874.....	\$35 20	.....
Expense attending the national prison congress in St. Louis, in May, 1874, by order of the Board	48 50	.....
		78 70
WILLIARD MERRILL.		
Expense attending meetings of the Board from January 1, to September 30, 1874.....		4 15
Total expense of Board.....		\$2,206 60

CHAPTER SECOND.

REPORT OF THE STATE BOARD OF CHARITIES AND REFORM, IN THE
MATTER OF THE INVESTIGATION INTO THE PAST AND PRESENT
MANAGEMENT OF THE WISCONSIN STATE PRISON, ORDERED BY
THE GOVERNOR.

To His Excellency, Wm. R. Taylor.

GOVERNOR:—The State Board of Charities and Reform, have the honor to submit herewith the report of its investigation into the past and present management of the Wisconsin State Prison, as directed by your Excellency in the following communication, to-wit:

EXECUTIVE OFFICE,
MADISON, June 3, 1874.

TO H. H. GILES, E. E. CHAPIN, A. E. ELMORE, W. W. REED, MARY
E. B. LYNDE—*Members of the State Board of Charities and Reform.*

An examination into the management of the State Prison at Wau-
pun, being desired, you are hereby directed to investigate into the
past and present management and condition of said State Prison,
and upon the completion of such investigation, to report to me the
facts in the case in full.

Signed,
WILLIAM R. TAYLOR,
Governor.

THE REPORT.

The character of the complaints made against the previous man-
agement of the Prison, seemed to us to shape themselves under two
general heads, to-wit: first, irregularities in prison discipline, and,
second, irregularities in financial management. To meet your own

well known wishes, and those of the people, our object has been to make a thorough and rigid examination of the disciplinary and financial management of the prison. This has devolved upon us an amount of labor, which we hardly anticipated at the outset, and which none can appreciate, except those familiar with matters of this kind. Many of the inquiries of this investigation involved an examination of the records covering the past five or six years. This work has been performed amid a multiplicity of other duties, constantly demanding our attention and presence elsewhere.

IRREGULARITIES OF DISCIPLINE CONSIDERED.

The character of the work, too, has been such as required much time, admitting of no haste that would hazard the results of our examination for accuracy and reliability. If any apology were needed in extenuation of the delay we have made in presenting this report, we feel confident it will be found in the magnitude of the work we have had to perform, and in the thoroughness with which we have tried to perform it.

In making this report it is hardly expected that we will frame an extended line of argument, quoting at length from the testimony we have taken, to establish the conclusions reached. We propose to give our conclusions, though not arbitrarily, yet in the briefest possible language, feeling assured that the testimony, which accompanies this report, will fully sustain those conclusions.

Early in the investigation, our attention was called, through private sources and the public press, to a number of grave and very serious charges of mismanagement in the affairs of the State Prison, involving the official character of the late Prison Commissioner, Geo. F. Wheeler, and especially involving the private character, official integrity and general good name of some of his subordinate officers.

These complaints have reached us from a multitude of sources, and in a variety of forms. But we have been able to combine and reduce them all to the following distinct specifications:

FIRST SPECIFICATION.

It is charged that Amelia Zimmermann, who has been confined in the prison on a life sentence since the year 1871, was begotten with child during her confinement; and that said Amelia Zimmermann procured, or was assisted in procuring, an abortion.

In prosecuting our inquiries as to the truth or falsity of this charge, as well as that of all the others, we have taken the sworn statements of a large number of witnesses.

Mrs. Amelia Zimmermann was committed to the State Prison, on a life sentence, in the year 1871. When received at the State Prison she gave in her age at 42 years. The alleged abortion in the case of Mrs. Zimmermann, is charged to have occurred in May, 1873. There is no disagreement between Mrs. Zimmermann's own testimony and that of the other witnesses, as to the fact of her illness at this time; nor is there any disagreement as to her physical condition for several months prior. However, Mrs. Zimmermann denies that she was *enciente* at this time or at any time during her prison confinement.

In helping us to reach our conclusions upon this point, we were aided by the skill and experience of several able physicians, among whom were Dr. H. L. Butterfield, who is at present the prison physician, and who has acted in that capacity for a number of years past; also Dr. D. W. Moore, of Waupun, a physician of large experience and extended practice; and also Dr. C. H. Harney, a convict of the prison, a physician of acknowledged ability, who has acted as hospital steward of the prison for the last four or five years, and who attended Mrs. Zimmermann during all her illness at the time of this alleged abortion or miscarriage.

Besides the testimony of these experts, we have been aided by that of others in determining matters of fact. And while it was impossible for us to satisfy our minds beyond a doubt as to whether or not Mrs. Zimmermann was actually in a state of pregnancy at the time referred to, yet from all the evidence, we are constrained to believe she was. We have no evidence, however, that goes to prove that she was assisted by other parties to produce the alleged abortion. Although we prefer to rest this charge, at this point, with this brief expression of opinion, yet this opinion is not given without a candid and thorough consideration of all the facts and the evidence. And in support of our conclusion, we must refer without quoting, to the testimony in the case, all of which is herewith submitted.

SECOND SPECIFICATION.

It is charged that Charlotte Lamb, at present a convict of the prison, is in a state of pregnancy, the child having been begotten during the mother's confinement in the State Prison; and that said

Charlotte Lamb, in February last, attempted, and was assisted in the attempt to produce an abortion.

Mrs. Lamb was committed to the prison on the 11th day of June, 1873, on a life sentence, on conviction of the crime of murder; and since that time she has been a convict in the female prison. The only question to be settled with reference to this charge, is the alleged fact that Mrs. Lamb was *assisted* in the attempt to procure an abortion. All controversy as to her pregnancy, as alleged, was set at rest at the birth of her child about the first of October last. Mrs. Lamb swears that the natural father of her prison-born child is one Hiram Schoonover, and from an abundance of other evidence, we have no doubt but that Mrs. Lamb swears truthfully upon this point.

Mrs. Lamb further swears that when she first discovered her true condition, she attempted to rid herself of the child, as she was determined never to bear it. To accomplish this purpose, she testifies upon her oath, that she was furnished with instruments and medicine, by the matron of the female prison, Mrs. Martha Cliff. This statement of Mrs. Lamb is very strongly corroborated by the testimony of two other witnesses, who claim to have positive personal knowledge of the fact.

So much of the testimony of these last mentioned witnesses as implicates Mrs. Cliff, is expressly and emphatically denied by Mrs. Cliff herself. We shrink from recording a conclusion that may reflect upon the character of any innocent person; and, in determining the facts in this case, we shall go to the full extent of that legal rule, that gives the accused the benefit of whatever doubt exists.

The testifying witnesses against Mrs. Cliff are convicts of the female prison; and the character of the witnesses may throw doubt upon the testimony they have given. Mrs. Cliff is entitled to the benefit of that doubt. However, it may be said, in behalf of these accusing witnesses, that it was difficult to detect a motive for their testifying falsely. And again, the testimony agrees upon all essential points with such precision as to strengthen the belief that Mrs. Cliff, perhaps innocently, yet actually encouraged this attempt at abortion, from the effects of which Mrs. Lamb was confined to her bed by sickness for two weeks, and narrowly escaped losing her life.

The testimony in this case shows that the regular Prison Physician, Dr. H. L. Butterfield, was not called during the sickness of

Mrs. Lamb, which followed her attempt at abortion. This seems to have been a disregard of the rules, which required that word should always be left at the main prison office in case of sickness at the female prison. The evidence is conclusive, that there was a studied and concerted effort, highly censurable, on the part of the subordinate officers, to withhold the facts in the case of Mrs. Lamb from the Commissioners.

THIRD SPECIFICATION.

It is charged that such laxity of discipline prevailed at the prison as afforded opportunity for criminal association of the male and female prisoners.

The truth of this charge follows inevitably from our conclusions in the first and second specifications. There can be no question but that there was a want of proper discipline in the management of the female department of the State Prison, during Mr. Wheeler's administration. Certain irregularities might occur under the most perfect management; yet it does seem to us that proper vigilance on the part of the prison authorities would have prevented the disreputable occurrences, rumors of which have filled the public press for the past year, with scandal, to the discredit and disgrace of the state. However, it is fair to say, that these irregularities were, in a great measure, the legitimate result of the old system of prison management, whereby the Commissioner was so overworked that the immediate details of prison discipline were left to the supervision of subordinate officers and attendants. Under the new law, the executive duties which formerly fell upon the Commissioner alone, are now shared between the Warden and Board of Directors; thus affording the Warden more time to personally direct and superintend the affairs of the prison.

FOURTH SPECIFICATION.

It is charged that one of the officers of the prison has been guilty of improper and immoral conduct toward certain female convicts. Three witnesses in this case have testified that they had positive personal knowledge of criminal intimacy between Mr. B. H. Bettis, (late Deputy Warden under Commissioner Wheeler,) and two of the female convicts. The convicts, charged with being implicated, were Mrs. Charlotte Lamb and Mrs. Amelia Zimmerman. The accusing witnesses are three convicts, Jason D. Breed, Hiram Schoon-

over and James Walter. In their testimony, these witnesses enter into considerable detail, in describing places, persons and dates.

The first of these witnesses, Breed, who perhaps has made the most positive statement against Mr. Bettis, is at present serving out a sentence, in the prison, on conviction of the crime of rape. Mr. Bettis was foreman of the grand jury that indicted Breed on the charge of which he was found guilty.

Hiram Schoonover, another witness, who testifies against Mr. Bettis, is a life convict, and the putative father of Mrs. Lamb's illegitimate child.

James Walter, another life convict has given similar testimony, implicating Mr. Bettis.

In rebuttal of this testimony a large number of witnesses were examined, who testified, from a long and intimate acquaintance, to Mr. Bettis' character as a strictly upright man and an honorable citizen.

All this testimony, *pro* and *con*, we have carefully weighed. Considering the character of the witnesses testifying against Mr. Bettis, their general appearance upon the stand, and the enormity of the charge, and on the other hand, considering the good reputation which Mr. Bettis has hitherto borne, the character of the witnesses who testified in his behalf, and the improbability of the alleged offense, we are satisfied that this charge is not sustained.

FIFTH SPECIFICATION.

It is charged that Theresa Zander, a female prisoner, has been cruelly and inhumanly treated by Commissioner Wheeler and his subordinate officers. The testimony of Mr. Wheeler in regard to the treatment of this prisoner is corroborated by the testimony of a number of other witnesses, and while we regard this treatment as severe, and all punishment for such purposes as unnecessary, yet we do not believe it was intentionally cruel in this case. Our conclusion in this particular is confirmed by the salutary effects of kinder treatment under the present management.

REPORT ON PAST FINANCIAL MANAGEMENT.

To enable us to make an intelligent and accurate report on the past financial management of the State Prison, we had the books of the institution examined by an expert accountant. This was done

in pursuance of the following resolution adopted by the board at its first meeting at Waupun, June 30:

Resolved, That the President, vice-President and Secretary of the board are hereby authorized and directed to take possession of the books and papers of the late Commissioner or Commissioners, in their discretion, and the vouchers for money expended during that time, and employ an expert to examine the same, and make a sufficiently detailed statement to enable the board to obtain the facts, and that this board meet at the call of said committee to take such further action as may be deemed necessary.

This work was delayed by the difficulty the committee experienced in obtaining a competent and trustworthy accountant. After the elapse of several weeks, the services of B. M. Worthington and Edwin Foote were secured, and the work has since been prosecuted with all expedition possible, having in view constantly the importance of obtaining accurate results.

The first work of the accountants was to examine and check the books of account, and ascertain if the footings were correct, from January 3, 1870, until April 1, 1874, including the entire administration of Geo. F. Wheeler, late Commissioner of the State Prison. An imperfect system of book-keeping greatly increased the labor of this examination, the books having been kept by single entry from the beginning of Mr. Wheeler's administration until October, 1872, and during the remainder of his term, a system of faulty double entry book-keeping prevailed.

The vouchers for expenditures of Mr. Wheeler's entire term were compared with the entries in the books, and were found to correspond except a few unimportant clerical errors.

To reach the objects of this examination, it was necessary to prepare tabular statements, exhibiting the total annual receipts and disbursements of the Prison.

The accompanying tables, "A," "B," "C," "D" and "E," exhibit the entire cash receipts of the Commissioner for his entire term. A summary of these tables is as follows:

SUMMARY exhibiting total cash receipts of the Commissioner for the years of 1870, '71, '72, '73 and till April 1, '74.

SOURCES.	1870.	1871.	1872.	1873.	1874.	Total.
Received from Cordier.....	\$2,020 96	.....	.....	.....	.....	\$2,020 96
Outstanding accounts.....	9,942 03	\$4,298 98	\$8,580 13	\$8,168 05	1945 40	26,984 59
Convicts' deposits.....	941 50	247 00	274 50	783 63	.....	2,196 63
Visitor's admission fees.....	387 00	574 25	500 00	402 75	131 75	1,995 75
Bank account.....	5,000 00	2,859 17	.....	.....	.....	7,859 17
State appropriations.....	*65,000 00	99,989 96	58,993 44	45,735 00	18,718 39	288,436 79
Boarding U. S. convicts.....	850 29	1,494 25	1,601 23	1,420 87	723 23	6,088 91
Sales from shoe shop.....	335 23	458 25	343 26	327 50	30 05	1,544 29
.....do.....chair.....shop.....	12,464 36	17,347 60	44,749 38	48,467 73	14,881 49	137,910 56
.....do.....tailor.....do.....	185 97	69 39	159 40	223 81	44 25	682 82
.....do.....stone.....do.....	51 03	1,020 02	3,532 93	1,908 60	81 75	5,594 33
.....do... blacksmith.do.....	109 81	81 88	243 88	150 31	6 30	591 68
.....do.....barn & y'd.....	143 71	325 10	136 56	101 55	9 75	716 67
.....do.....sundries.....	20 09	.....	269 00	.....	172 84	461 43
.....do.....subsistence.....	18 16	.....	4 36	124 60	23 28	169 40
.....do.....lumber.....	17 05	.....	.....	.....	.....	17 05
Profit and loss.....	.....	27 24	.....	.....	.....	F 27 24
Bills payable and receivable.....	.....	3,630 55	.....	.....	.....	3,630 55
Interest.....	.....	.....	8 25	.....	.....	8 25
Live stock.....	.....	.....	35 00	5 00	.....	40 00
Geo. F. Wheeler.....	.....	.....	.....	378 01	.....	378 01
Overcharged freight refunded.....	.....	.....	.....	245 94	.....	245 94
Machinery.....	.....	.....	.....	240 00	.....	240 00
Total	\$97,537 19	\$132,423 64	\$113,425 87	\$108,733 35	\$35,765 97	\$487,886 02

*This includes \$25,000 properly belonging under bills payable.

THE ACCOMPANYING TABLES—"F.", "G." 1, 2, 3, 4 and 5; "H." 1 and 2; "I.", "K.", "L.", "M." 1 and 2; "N." 1 and 2; "O." 1 and 2; "P." 1, 2, 3, 4 and 5, and "Q.", exhibit the entire disbursements of the Commissioner during his term of office, from January 3, 1870, until April 1, 1874. A summary of these tables is as follows:

SUMMARY OF DISBURSEMENTS.

	1870.	1871.	1872.	1873.	1874.	Total.
Indebtedness of 1869	\$10,813 53	.....	.....	.....	.....	\$10,813 53
Miscellaneous expenses	28,899 82	69,984 37	86,218 09	33,120 33	12,559 59	180,732 20
Lumber	11,165 14	10,230 91	14,186 87	17,664 43	6,111 37	59,358 71
Blacksmith shop	611 71	1,023 17	601 72	688 74	111 51	3,036 85
Tailor shop	1,025 46	2,954 85	2,253 56	2,305 97	643 83	9,183 67
Shoe shop	251 96	1,551 26	731 14	1,514 07	.....	4,048 43
Machinery	8,464 85	14,636 76	2,677 46	3,446 02	74 60	29,299 69
Chair shop	8,109 14	17,068 82	20,005 10	27,703 97	11,538 63	84,425 66
Building material	18,515 53	11,855 54	10,759 60	2,659 60	205 07	38,995 34
Subsistence	11,433 20	15,410 13	13,218 69	10,676 70	4,220 92	54,959 64
Geo. F. Wheeler	3,650 27	3,620 26	3,300 08	2,533 86	300 00	*13,404 47
	\$97,940 61	\$148,286 07	\$103,952 31	\$102,313 68	\$35,765 52	\$488,258 19

There appears to be an excess in the disbursements over the receipts, amounting \$872.17, which probably occurred by entering the full amount of a voucher which had been previously paid. The books were compared with the vouchers, checked and found to agree.

* In addition to this amount, the sum of \$3,664.70, properly belonging under Mr. Wheeler's personal expenses, is entered in this summary under miscellaneous expenses.

CHAIR AND CABINET SHOPS.

The receipts from sales from the chair and cabinet shops, as shown by the sales' books, are summarized in the accompanying table, marked "Sales."

RECEIPTS.

Total receipts.....	\$157,661 86
The stock in chair and cabinet shops receipted for by Warden Smith, April 1, 1874, as inventoried by Commissioner Wheeler,	18,476 53
The same as inventoried by the present Directors	15,414 49
Lumber and other material as inventoried by Wheeler	17,986 13
The same as inventoried by the present Directors	13,831 42
	<hr/>
Cash receipts added to Wheeler's inventory of stock	\$191,824 52
Cash receipts added to Directors' inventory of same stock.....	184,407 77
	<hr/>

NOTE.—The inventories referred to are herewith submitted.

DISBURSEMENTS.

Tables marked "N." 1 and 2, show the miscellaneous articles purchased for the chair and cabinet shops, including the freight paid thereon, for the years 1870, '71, '72, '73, and until April 1, 1874.....	\$84,425 66
Received from Com'r Cordier, as shown by accompanying inventory.....	14,282 25
Tables "H." 1 and 2, also herewith submitted, exhibit amount of lumber purchased by Wheeler, including freight thereon .	59,858 71
	<hr/>
	\$158,066 62
	<hr/>

BLACKSMITH SHOP.

RECEIPTS.

The receipts from sales of blacksmith shop during Wheeler's entire term.....	\$591 68
------------------------------------------------------------------------------	----------

DISBURSEMENTS.

Table "I" exhibits the purchases made for blacksmith shop for the same period.....	3,036 85
	<hr/>
Excess of disbursements over receipts.....	\$2,445 17
	<hr/>

A portion of this balance against blacksmith shop should doubtless be charged to other shops, as the materials purchased went mainly for repairs.

TAILOR SHOP.

RECEIPTS.

The receipts from sales from the tailor shop during Wheeler's term	\$682 82
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DISBURSEMENTS.

Table "K" exhibits the purchases made for tailor shop during same term	\$9,183 67
	<hr/>
Excess of disbursements over receipts.....	\$8,500 85
	<hr/>

The tailor shop was run to manufacture clothing for prisoners, which partly explains this balance against the shop.

SHOE SHOP.

RECEIPTS.

The receipts of the shoe shop during Wheeler's term..... \$1,544 29

DISBURSEMENTS.

Table "L" exhibits the purchases made for the shoe hop during same period 4,048 43

Excess of disbursements over receipts..... \$2,504 14

MACHINERY.

DISBURSEMENTS.

Tables "M," 1 and 2, exhibit the cost of machinery purchased, and the cost of repairs for same..... \$29,299 69

BUILDING MATERIAL.

DISBURSEMENTS.

Tables "C," 1 and 2, exhibit the cost of building material purchased by Mr. Wheeler..... \$38,995 34

Summary of Building Material.

	1870.	1871.	1872.	1873.	1874.	Total.
Brick	\$485 53	\$697 56	.....	.....	.....	\$1,183 09
Sand, Lime and Cement	1,433 76	1,118 61	\$691 75	\$51 57	.....	3,295 69
Miscellan's articles	1,068 97	1,943 14	1,214 69	1,918 84	\$16 25	6,161 89
Timber, Lumb'r and Shingles.	2,438 46	1,200 21	1,795 31	689 19	188 82	6,311 99
Labor by outside parties..	1,573 00	643 00	.....	.....	.....	2,221 00
Freight	339 79	108 02	225 62	.....	.....	673 43
Roofing	6,176 02	6,140 00	6,832 23	.....	.....	19,148 25
Total	\$18,515 53	\$11,855 54	\$10,759 60	\$2,659 60	\$205 07	\$38,995 34

MISCELLANEOUS EXPENSES.

TABLES "G," 1, 2, 3, 4 and 5 exhibit the miscellaneous expenses of the Prison for the years 1870, '71, '72, '73 and till April 1, 1874, aggregating \$181,032.20. Summarized as follows:

	1870.	1871.	1872.	1873.	1874.	Total.
Express charges	\$202 74	\$109 85	\$137 46	\$97 45	\$14 35	\$561 85
Discharged convicts	400 25	425 00	495 00	412 00	35 00	1,767 25
Postage and revenue stamps	358 83	257 97	158 41	202 82	30 16	1,008 19
Officers salaries	19,649 87	23,617 21	22,839 31	21,388 09	4,115 19	91,609 67
Forage	919 50	923 63	949 02	741 53	331 87	3,864 55
Freight	154 18	51 73	167 21	214 71	20 95	608 78
Drayage	160 80	59 55	10 00	1 50	75	232 60
Telegraphing	33 08	33 48	24 57	14 30	8 31	113 74
Mileage and expenses	385 64	322 48	78 10	28 80	14 40	829 42
Stationery	174 62	107 87	94 07	212 98	.....	589 54
Wood	3,207 97	3,644 15	3,514 06	4,773 98	2,745 70	17,885 86
Tobacco	202 07	365 81	731 37	257 02	7 98	1,564 25
Tea	66 16	.....	.....	.....	.....	66 16
Lights	255 42	758 10	523 93	504 78	153 45	2,195 68
Hospital	223 57	215 86	155 24	149 95	36 05	780 67
Miscellaneous payments	1,673 55	3,274 93	6,058 44	3,740 42	4,960 43	20,007 77
Convicts deposits	831 57	713 62	281 90	380 00	85 00	2,292 09
Bills payable .....	.....	35,054 13	.....	.....	.....	35,054 13
Total	\$28,899 82	\$69,934 37	\$36,218 09	\$33,120 33	\$12,559 59	\$180,732 20

SUBSISTENCE—DISBURSEMENTS.

TABLES "P," 1, 2, 3 and 4 exhibit the cost of subsistence during Mr. Wheeler's term, aggregating \$54,959.64, summarized as follows:

	1870.	1871.	1872.	1873.	1874.	Total.
Live hogs	\$178 39	.....	.....	.....	.....	\$178 39
Miscellaneous vegetables.....	428 12	\$124 37	\$293 02	\$287 37	\$99 53	1,227 41
Butter.....	1,106 34	826 59	740 25	701 11	266 17	3,640 46
Potatoes.....	507 77	654 97	660 57	707 70	41 40	2,572 41
Apples	10 00	.....	.....	.....	.....	10 00
Miscellaneous articles.....	632 75	1,582 65	1,794 88	230 62	577 83	4,818 73
Freight	63 58	73 83	36 52	118 58	4 96	297 49
Beef and pork.....	5,631 88	8,274 37	6,825 38	5,853 42	1,958 49	28,043 49
Flour.....	2,644 61	3,543 12	2,374 30	2,646 07	1,273 54	12,484 64
Tea.....	92 25	48 50	106 65	95 90	.....	343 30
Molasses	138 56	281 73	387 12	535 93	.....	1,343 84
Total	\$11,433 20	\$15,410 13	\$13,218 69	\$10,676 70	\$4,220 92	\$54,959 64

GEO. F. WHEELER'S DISBURSEMENTS.

TABLE "Q" exhibits the personal account, including salary, of Geo. F. Wheeler during his term. A summary of this account, aggregating \$17,069.17, is herewith appended.

	1870.	1871.	1872.	1873.	1874.	Total.
Mileage	\$465 30	\$394 97	\$203 10	\$140 40	\$13 92	\$1,217 69
Expenses while traveling	226 05	99 75	78 50	56 50	14 75	475 55
Clothing for prisoners	56 50	30 00	3 00	.....	.....	89 50
Boarding sick convicts	869 96	284 85	243 15	244 54	.....	1,142 50
Commissioner's salary	1,200 00	1,200 00	1,200 00	1,200 00	500 00	5,300 00
Teaming	2,016 00	2,235 00	1,839 00	1,939 50	384 00	8,413 50
Telegraphing	4 26	3 60	.....	.....	.....	6 86
Subsistence	107 31	98 44	.....	8 58	58 81	273 14
Household goods .....	.....	23 00	.....	.....	127 43	150 43
Total	\$4,445 38	\$4,368 61	\$3,566 75	\$3,589 52	\$1,098 91	\$17,069 17

CHAIR SALES TO ABERNATHY BROTHERS.

The following table is a summary of the chair sales to the Abernathys of Kansas, showing the kinds of chairs sold; the whole number; average price per chair and total amount received therefor, during Wheeler's entire term:

KINDS OF CHAIRS.	No of Chairs.	Average Price.	Amount Received
Paddy back chairs.....	38,374	\$0 38 $\frac{1}{2}$ $\frac{1}{2}$	\$14,949 02
Common wood	212	41 $\frac{1}{2}$	88 33
Dowel top.....	97,173	34 $\frac{1}{2}$ $\frac{1}{2}$	33,802 54
Double back.....	49,179	34 $\frac{1}{2}$ $\frac{1}{2}$	17,015 50
Boston wood rockers	3,693	70 $\frac{1}{2}$ $\frac{1}{2}$	2,605 62
Boston cane	1,302	1.48 $\frac{1}{2}$ $\frac{1}{2}$	1,930 96
Misses wood.....	709	58 $\frac{1}{2}$ $\frac{1}{2}$	417 46
Cane seat sewing.....	1,632	1.05 $\frac{1}{2}$ $\frac{1}{2}$	1,721 09
Cane seat, brace arm	544	1.11 $\frac{1}{2}$ $\frac{1}{2}$	616 67
Cane seat, large	12	75	9 90
Misses cane	508	87 $\frac{1}{2}$ $\frac{1}{2}$	449 00
Three spindle cane chairs	2,701	67 $\frac{1}{2}$ $\frac{1}{2}$	1,830 68
Office chairs... ..	4,492	65 $\frac{1}{2}$ $\frac{1}{2}$	2,646 53
F. S. chairs.....	1,032	41 $\frac{1}{2}$ $\frac{1}{2}$	430 00
Mortice top chairs	2,328	41 $\frac{1}{2}$ $\frac{1}{2}$	970 00
Bow back	912	41 $\frac{1}{2}$ $\frac{1}{2}$	378 98
Child's hole	819	41 $\frac{1}{2}$ $\frac{1}{2}$	341 25
Sewing wood rockers.....	4,711	67 $\frac{1}{2}$ $\frac{1}{2}$	3,159 17
Boston rockers	364	42 $\frac{1}{2}$ $\frac{1}{2}$	155 42
Grecian cane chairs.....	8,792	67 $\frac{1}{2}$ $\frac{1}{2}$	5,893 35
Bent back.....	4,114	41 $\frac{1}{2}$ $\frac{1}{2}$	1,714 17
Three slat	1,962	40 $\frac{1}{2}$ $\frac{1}{2}$	796 50
Child's high and low.....	4,188	41 $\frac{1}{2}$ $\frac{1}{2}$	1,745 00
Two slat chairs.....	11,997	38 $\frac{1}{2}$ $\frac{1}{2}$	4,652 50
Office stools.....	117	35 $\frac{1}{2}$ $\frac{1}{2}$	42 00
Fancy dowel top chairs	28,824	38 $\frac{1}{2}$ $\frac{1}{2}$	10,592 02
Dining chairs	8,554	62 $\frac{1}{2}$ $\frac{1}{2}$	5,341 34
Child's rockers	1,321	41 $\frac{1}{2}$ $\frac{1}{2}$	550 42
Misses Boston rockers.....	64	64 $\frac{1}{2}$ $\frac{1}{2}$	41 25
Bent rim dining chairs.....	144	54 $\frac{1}{2}$ $\frac{1}{2}$	78 00
Child's B. R., rockers	124	41 $\frac{1}{2}$ $\frac{1}{2}$	51 67
Misses arm	480	78 $\frac{1}{2}$ $\frac{1}{2}$	374 58
	281,388	41,114	\$115,690 03

NOTE.— Seventy-five per cent. of the above sales was common chairs.

CHAIR SALES TO OTHER PARTIES.

The following table is a summary of chair sales to all parties, other than the Abernathys, exhibiting the kinds of chairs sold, number of chairs, average price per chair, and the whole amount received therefor, during Wheeler's entire term:

KINDS OF CHAIRS.	No. of Chairs.	Average Price.	Amount Received.
Boston rockers	1, 118	\$1 28.888	\$1, 434 47
Sewing rockers.....	962	96.926	932 48
Boston cane rockers	488	2 55.205	1, 232 64
Dowel top chairs	10, 752	40.859	4, 339 46
Double back. do.....	9, 766	43.686	4, 265 44
Bent back. ....do.....	2, 812	38.722	895 27
Mortice top..do.....	2, 240	41.193	927 21
Child's .....do.....	1, 853	60.148	818 81
Office.....do.....	1, 594	94.895	1, 504 67
Two and three slat chairs	840	77.421	650 84
Misses Boston cane rockers.....	189	1 48.949	207 04
Fancy dowel top chairs	6, 821	40.706	2, 776 57
Half Grecian cane chairs.....	1, 101	92.625	1, 019 81
Sewing cane rockers	880	1 58.082	521 67
Misses wood rockers.....	164	99.969	163 95
Grecian cane chairs.....	1, 665	81.202	1, 352 00
Three slat cane chairs.....	12	1 12.500	18 50
Three spindle cane chairs	1, 739	89.009	1, 547 88
Brace arm cane rockers	178	1 94.612	846 41
Office stools.....	194	85.036	67 97
Grecian cane chairs	114	1 00.000	114 00
Dining chairs.....	868	69.746	605 41
Paddy back chairs.....	3, 670	41.051	1, 506 58
	48, 410	56.266	\$27, 238 58

WARDEN SMITH'S SALE OF CHAIRS TO THE ABERNATHYS.

The following table is a summary of chair sales to the Abernathys, exhibiting the kinds of chairs sold; whole number; average price per chair; and the total amount received therefor, during the term of the present Warden, commencing April 1st and ending Sept. 30, 1874 (six months).

KIND OF CHAIRS.	Number of Chairs.	Average Price.	Total Amount.
Dowel top.....	22,128	\$0 35 ⁵ / ₁₂	\$7,837 00
Fancy dowel top.....	5,586	36 ⁷ / ₁₂	2,042 63
Double back	11,190	35 ⁵ / ₁₂	3,963 12
Boston wood rockers	657	37	627 33
Misses arm wood rockers	132	82 ¹ / ₂	109 50
Sewing wood rockers.....	744	83 ¹ / ₂	620 00
Children's high chair....	1,038	43 ¹ / ₂	449 87
Children's low chairs.....	42	41 ¹ / ₂	17 50
Children's hole chairs.....	74	42 ¹ / ₂	31 58
Children's rockers.....	198	42 ¹ / ₂	83 87
Office chairs.....	840	74 ¹ / ₂	622 75
Dining chairs	948	70 ⁵ / ₈	671 50
Paddy back chairs.....	6,672	39 ⁷ / ₁₂	2,640 92
Grecian cane chairs.....	584	69 ¹ / ₂	392 00
Half Grecian cane chairs.....	1,176	73 ¹ / ₂	862 50
Three spindle cane chairs.....	120	70 ⁵ / ₈	85 00
Large scroll arm rockers.....	159	1 73 ¹ / ₂	276 00
Cane sewing rockers.....	226	1 26 ¹ / ₂	286 50
Misses cane arm rockers	30	86 ¹ / ₂	26 00
Engl. cottage chairs.....	48	70 ⁵ / ₈	34 00
	52,572	41.237	\$21,679 64

NOTE.—Eighty-six per cent. of the above sales was common chairs.

WARDEN SMITH'S SALES TO OTHER PARTIES.

The following is a summary of chair sales to all parties other than Abernathy Brothers, exhibiting the kinds of chairs sold, the whole number, the average price per chair and the total amount received therefor, during the first six months of Warden Smith's term, commencing April 1, and ending September 30, 1874.

Kind of Chairs.	No. of Chairs.	Average Price.	Total Amount.
Dowel top	857	\$0.42 ¹ / ₂	\$158 00
Fancy Dowell top	690	.40 ¹ / ₂	282 17
Double back	208	.41 ⁵ / ₈	86 17
Sewing wood rockers	4 ¹ / ₂	.86 ⁵ / ₈	84 25
Misses armwood rockers	7	.79 ¹ / ₂	5 58
Children's high chairs	53	.55 ¹ / ₂	29 42
Children's low chairs	2	.54 ¹ / ₂	1 09
Children's hole chairs	14	.51 ¹ / ₂	7 17
Children's rockers	6	.54 ¹ / ₂	3 25
Office chairs	148	1.10 ¹ / ₂	163 25
Dining chairs	120	.83 ¹ / ₂	100 00
Paddy back chairs	264	.52 ¹ / ₂	137 50
Grecian cane chairs	985	.82 ⁷ / ₈	813 84
Half Grecian cane chairs	96	.92 ¹ / ₂	89 00
Three spindle cane chairs	186	.95 ¹ / ₂	178 00
Large scroll arm rockers	164	2.54 ¹ / ₂	466 97
Cane sewing rockers	113	1.63 ¹ / ₂	184 75
Brace arm rockers	54	2.00	108 00
Misses cane arm rockers	31	1.32 ¹ / ₂	41 20
Eng. cottage chairs	18	1.33 ¹ / ₂	24 00
Boston wood rockers	98	1.84 ¹ / ₂	182 08
Total	3,164	\$81.847	\$2,990 69

RECEIPTS OF THE CABINET SHOP.

Deducting from the total receipts of the chair and cabinet shops, \$157,661.86, the total receipts from the chair shop for Wheeler's term, \$142,928.55, and we obtain \$14,733.31, the total receipts from the cabinet shop alone.

THE PRESENT MANAGEMENT.

Above we have presented a detailed statement of the chair sales, during the first six months under the present management. In our annual report on the State Prison will be found a full exhibit of the receipts and disbursements of the Prison for the same period, a copy of which is herewith submitted.

Under the present management of the Prison, a side track from the Chicago, Milwaukee & St. Paul Railway to the prison yard has

been constructed at a cost to the state of \$1,293.50. In securing the right of way, four and one-half acres of land lying between the main track and prison grounds, were purchased. This land is needed for the use of piling lumber and other material, and so long as the present kind of manufacturing is carried on at the Prison, we are of the opinion that this side track will save more in teaming, unloading and piling in each year, than its entire cost to the state.

The sum of \$973.22 has been realized, over and above all expenditures, from the products of the prison farm and garden, from April 1, 1874, to October 1, 1874.

No receipts from this source have heretofore entered into the accounts of the Prison. The statement of H. N. Smith, in relation to the building of the side track, and a table showing the receipts of the Prison farm and garden, are herewith submitted.

**EXTRACT FROM REPORT OF WARDEN SMITH OF THE STATE PRISON
TO THE BOARD OF DIRECTORS.**

“The following table is a summary of the invoice of all personal property on hand April 1st and Oct. 1st, 1874. The first column shows the values as estimated by late Commissioner April 1st. The second column shows the values as appraised by the Directors April 1st. The third column shows the amounts and values of the property on hand Oct. 1st, showing the amount on hand to be \$20,219.31 in excess of amount on hand April 1st, the excess being mostly in chairs and lumber. All machinery is invoiced Oct. 1st, same as appraised April 1st, the repairs being fully equal to the ordinary wear, new machinery and tools purchased only being added. The lumber at Chester, at the price of April 1st. New purchases of lumber on the side track and in the yard, at the cost in cash, with the addition of 50 cents per M. for cost of unloading and sticking up. The chairs on hand at the wholesale contract price, all other goods and merchandise at their cost in cash.”

Invoice of Personal Property.

	Inventory of G. F. Wheel- er, April 1st, as valued by himself.	Inventory of G. F. Wheel- er, April 1, '74, as valued by Directors.	Inventory of Oct. 1, '74.
STOCK ON HAND.			
Chair and Cabinet shop	\$22,800 69	\$18,895 79	\$24,063 37
Lumber	13,861 97	9,850 12	19,369 54
Wood	3,004 87	2,856 55	2,681 25
Stone shop	613 80	157 25	865 56
Blacksmith shop.....	386 65	154 15	89 78
Wagon shop, included in Chair and Cabinet shop			894 19
Shoe shop	514 48	409 48	78 88
Tailor shop.....	954 56	787 32	398 76
Shoes, clothing and bedding, included in Tailor shop			533 24
ON HAND, NOT IN USE.			
Miscellaneous merchandise.....	298 88	214 70	316 13
Provisions.....	464 20	394 72	705 73
Garden, included in barn and yard.....			121 68
Live stock.....	740 00	565 00	1,121 50
Drugs			41 45
Forage	143 50	143 50	87 00
MACHINERY AND TOOLS.			
Chair and Cabinet shop	36,421 24	20,602 20	21,237 03
Stone shop	464 40	146 15	107 95
Blacksmith shop.....	639 75	281 80	336 90
Shoe shop	158 68	83 35	104 15
Tailor shop.....	232 40	148 50	147 10
Soap and washhouse	55 20	23 70	88 45
Barn and yard.....	1,475 35	642 10	631 63
Furniture and chattels	7,000 00	7,107 42	9,621 84
	\$89,730 12	\$63,463 80	\$83,683 11

DIVERS CHARGES OF MISMANAGEMENT EXAMINED.

In prosecuting our investigation into the charges of financial irregularities, during Mr. Wheeler's administration, we gave an opportunity to all parties who had any statements to make, to come before the board and testify. During the investigation, we were presented with a large number of charges, derived from private persons, and also appearing in the public press. The principal parties making these charges were personally requested to come before the board but instead of coming in person, they sent a large num-

ber of written and printed complaints, stating that they had no direct evidence, but would be satisfied if Mr. Wheeler could answer those presented. These charges, and all others that came before us, were taken up one by one. Mr. Wheeler was placed under oath to give truthful answers to all questions pertaining to these charges. The charges and Mr. Wheeler's answers are herewith subjoined.

TO THE FIRST CHARGE.

1st. Is it for the interest of the state to have the lumber used in the chair factory shipped to Chester Station instead of Waupun, thereby giving you employment for two teams at \$3 per day each, at the expense of the state?

Mr. Wheeler's Answer.—"It was for the interest of the state to have the lumber used at the prison shipped to Chester Station instead of Waupun; for the reason that, during the first two years of my administration, there was no other railroad over which it could be shipped to Waupun, without being transferred from one road to another, thereby greatly increasing the expense over the hauling from Chester. And for the further reason, that the Chicago and Northwestern R. R. Co., at Chester, allowed me to "stick up" the lumber on their grounds, without charge, for an indefinite length of time; while at Waupun there was no ground belonging to the railroad company that I could occupy for that purpose. After the St. Paul Railroad was completed to Oshkosh, where much of the lumber was purchased, it was utterly impossible to have hauled it to the Waupun station, on account of the lack of side track and grounds to put it on. And further, the freight charges over the St. Paul road were more than double what they were on the Northwestern road. I could have paid five dollars a day for teams to haul lumber from Chester, and thereby saved money to the state."

TO THE SECOND CHARGE.

2d. Is it for the interest of the state for the foreman of the chair factory to spend his time in manufacturing a patent article in partnership with you, thereby neglecting work for which the state pays said foreman \$3 per day?

Answer: "It is a portion of the duty of the foreman of any manufacturing establishment to make such improvements as will facilitate the manufacture and cheapen the expense of any article. As

such foreman in the chair shop of the Prison, Mr. Cross invented a machine for the purpose of digging out rocking-chair seats. The invention proved a success, and Mr. Cross obtained a patent for the same. Subsequently Mr. Cross desired me to take an interest in the patent, which I did. One of the machines is now in use in the chair shop of the Prison. The machine is capable of saving the work of at least ten men, and does the work much better than can be done by hand. The state of Wisconsin is at least \$500 better off by reason of the invention and use of that machine."

TO THE THIRD CHARGE.

3d. To what extent is the State benefited by the clothing you receive "worn in" by convicts, and charged to the State when worn out by discharged prisoners? I see no mention of those "worn in" suits in your report!

Answer: "The State is benefited by the clothing "worn in" by convicts just to the extent of its value in cash. All suits that are "worn in" by prisoners, received at the Prison, are used for "going out" suits for discharged prisoners. "Going out" suits, whether they were *worn in* by incoming prisoners, or furnished by the state, are never charged to the state, and do not enter into the Commissioner's cash account or credits. The only account or charge made of "going out" suits or clothing worn by prisoners while in confinement, is a memorandum account for the purpose of showing the expense to the state of clothing the prisoners."

TO THE FOURTH CHARGE.

4th. Was it for the interest of the state to pay your brother \$10 per day for two seasons, to superintend the building of Prison Shops, while the State already had officers in its employ at \$2.50 per day, fully competent to superintend said work, and having time to do so without neglecting their regular duties?

Answer. "I did not pay my brother, or any other person, \$10 a day for superintending the rebuilding of the shops, but I did pay my brother \$5 a day for such work. At the commencement of the rebuilding of the shops, I tried to get along without the employment of a superintendent, but soon found it impracticable to do so. No competent man, at that time in my employ, could be spared to superintend this work."

TO THE FIFTH CHARGE.

5th. Is it for the benefit of the state to compel your officers—some twenty or more—to board with you in the prison at \$4 per week, and use convict labor to do the kitchen work? There is constantly employed in what is called the “front kitchen” four of the most trustworthy men of the institution, to say nothing of the man you work as a janitor, and some half a dozen others, whose labor goes to your particular benefit.

Answer. “I regard it for the interest of the state to compel all subordinate officers to board within the prison, so that, when wanted for duty, or in case of an emergency, they will be at hand. I received \$4 per week for boarding the officers, which helped to make a reasonable compensation for my services as Commissioner. All prisoners employed in the front kitchen, not to exceed four in number, were subsisted at my expense. I used the products of the prison garden in supplying my own table, as well as the prisoners. I entertained at my own table, and at my own expense, all legislative and other committees that visited the prison, and other persons there on business, and in this particular I considered “honors were easy.”

TO THE SIXTH CHARGE.

6th. Was it for the benefit of the state to place a stove in the second story of the engine room to keep flower plants from freezing, from which the last fire originated, doing damage to the amount of from one to five thousand dollars?

Answer. “I did place a stove in the second story of the engine room, for the purpose of preserving house plants through the winter, and which were kept for the purpose of ornamenting the front yard. The fire which consumed the second floor of the engine house, at this time, I feel confident did not originate from this stove. The total cost of repairing the damage occasioned by this fire did not exceed \$400 or \$500. The fire that occurred on the second day of May, 1870, by which the main shops were consumed, was caused in my opinion by sparks, from the smokestacks, falling on the roof. The building erected in the place of the one destroyed by this fire is practically fire proof.”

TO THE SEVENTH CHARGE.

7th. Is it for the interest of the state to run the chair factory to

its utmost capacity and sell the chairs on a contract at cost, or LESS THAN COST?

Answer: "In regard to my sale of chairs, I can do no better than refer you to my annual report on that subject for the year 1872."

TO THE EIGHTH CHARGE.

8th. Is it for the interest of the state, in "stripping" a stone quarry, to charge 25 cents per yard for excavating, and 18 cents per yard for dumping the dirt into the old quarry hole?

Answer: "The items mentioned in my report, estimating the value of labor expended in grading the prison yard, opening quarries, etc., the price being fixed at 25 cents per yard for excavating, and 18 cents per yard for filling, was only a memorandum account showing my estimate of the value of the labor done by the prisoners in the performance of that work; and whether that estimate was too high or too low, could not in any way affect the interests of the state."

TO THE NINTH CHARGE.

9th. Is it for the benefit of the state in charging up the cost of buildings erected for workshops, to add convict labor thereto?

Answer: "To this and all similar charges, I make the same answer as to the eighth charge."

TO THE TENTH CHARGE.

10th. Was it for the interest of the state to purchase two flue boilers for the prison shops, which require five cords of wood per day to run them, thereby consuming all the profits there might be, in case the chairs were sold at a profit?

Answer: "The reason for purchasing the large flue boilers was on account of the difficulty in cleaning the tubular boilers, which difficulty arose from the deposit of lime on and around the flues. The old boiler was insufficient for the purpose needed, and was of little value, because of its small capacity and long continued use. The fuel necessary to furnish steam to run the shops during the summer season was supplied from the waste material of the shops, and there was a large accumulation of fuel from that source during the summer. During the winter months, more steam was required for the purpose of heating the building, as well as running the machinery. During the winter months, we had to purchase some

wood for the purpose of making additional steam to heat the shops. The amount of wood purchased for this purpose would not, in my judgment, average more than one cord per day during the winter months."

TO THE ELEVENTH CHARGE.

11th. Is it for the benefit of the state to keep one or two officers at \$2.50 per day sitting around acting as chore-boys for the sake of boarding their wives, the profits of which go to your pocket? And this, too, when the law designing the extra fifty cents per day to be paid to the overseers of mechanical labor in the workshops, who are now only receiving \$2 per day?

Answer: "I never, at any time, kept a greater number of officers than was necessary for the safety and proper management of the institution."

TO THE TWELFTH CHARGE.

12th. Is it for the interest of the state to pay you mileage for traveling over the state under pretence of doing business for the same, when your real object is to advance your own political interest?

Answer: "I never charged mileage unless I was justly entitled to it."

TO THE THIRTEENTH CHARGE.

13th. What advantage is it to the taxpayers for you to take the teams, some four in number, for which the state pays you \$3 per day, to carry men to caucuses, conventions and elections for the purpose of securing members of the legislature that will vote for a liberal appropriation for the State Prison—and for delegates to slide you into office?

Answer: "I decline to make any reply to this charge, except to denounce it as untrue. Further than this it is unworthy my notice."

TO THE FOURTEENTH CHARGE.

14th. Please tell why it was that after recommending in your report a change of the mode of running the State Prison, you secretly opposed the law known as the Kelsey bill, with all the influence you could bring to bear? Was it not for the reason that it cut the \$25,000 salary down to \$2,000, thereby showing too plainly

the amount of money made by the Commissioner under the old law?

Answer: "I favored the passage by the legislature of the so called "Kelsey bill," relating to the government of the State Prison, and recommended such change in two reports, and did not secretly oppose the passage of the law changing the system."

TO THE FIFTEENTH CHARGE.

15th. Was it for the benefit of the state, after making out your inventory for 1872, at the highest possible figures—then finding your indebtedness to amount to upwards of \$34,000—to add 20 per cent. thereto, and thereby reducing the amount of indebtedness to \$20,000, an amount you thought would pass the legislature without material opposition, and then by keeping nearly \$15,000 of indebtedness held from the view of the public until you could secure the office for the third term?

Answer: "The mathematical problem presented in this charge is beyond my comprehension; but reminds me of the case of the man who suddenly became fabulously rich by simply raising the price per acre on his mountain land."

MISCELLANEOUS CHARGES.

The answers made by Mr. Wheeler to the foregoing charges, indicate the character of a great many questions propounded by the board, which we thought unnecessary to publish. We trust that the same method pursued with reference to a number of miscellaneous charges answered below, will be sufficiently clear to bring out our question, without publishing each one in full, as it was asked.

DRAWBACKS AND REBATES.

We quote from Mr. Wheeler's testimony:

"I have, in one instance, received a 'drawback' on freight, paid for the transportation of lumber from Oshkosh to Waupun, and in no other instance. I think the amount in this case was about \$340. This money I had charged to myself in my account with the state, as will appear from the books of the prison."

LUMBER BOUGHT OF HIS BROTHER-IN-LAW.

"In relation to the purchase of lumber from C. N. Paine & Co., of

Oshkosh, I have to say: That I never paid them a higher price for lumber than I paid elsewhere and to other parties for lumber of the same kind and quality."

MINORITY REPORT OF THE COMMITTEE ON STATE AFFAIRS OF THE
LAST LEGISLATURE.

A minority of the Committee on State Affairs, of the legislature of 1874, consisting of the Hon. J. B. Kehl and Hon. S. M. Knox, submitted the following report, on a bill to provide for the appointment of commissioners to investigate the State Prison and other penal institutions.

"The undersigned find, on examination of the report of the Prison Commissioner for the years 1871-2-3, that the expense of the chair and cabinet shops for the aboved named years have cost the state, adding interest at ten per cent. on investment in shops, machinery and stock, the sum of \$251,770.32, as near as can be ascertained by the tabulated statements in said reports, made up as follows: Cost to the state for stock and operating expenses for three years as reported:

Cost of stock as per report, same period..... \$96,261 71

OPERATING EXPENSES.

Wages to master mechanics and keepers in said shops.....	\$25,000 00	.....
Freight on stock, exclusive of above.....	4,769 53	.....
Teaming for 1871-73.....	2,000 00	.....
Repairs and tools, about	3,000 00	.....
Interest on cost of shop, and machinery at a cost of \$86,500.00 at 10 per cent	25,950 00	... ..
Estimated equation of interest on stock for 3 years, \$32,000, at 10 per cent.....	9,000 00	.....
For current expenses as appears per capita to 100 convicts in said shops at \$791.89.....	79,189 00	.....
Fuel for machinery.....	6,000 00	.....
	<hr/>	<hr/>
		\$155,508 53
Total		<hr/> <hr/> \$251,770 32

"The undersigned are satisfied that said \$96,261.79 of raw material, should at the least calculation have produced \$030,000 of manufactured stock, whereas it only produced \$154,954.55 at wholesale prices. Said commissioner has invoiced the stock on hand too high. We call attention to the charge of black walnut lumber that has been purchased at \$45 per thousand, exclusive of freight, and

invoiced at \$75.00 and \$85.00 as will be seen by his reports of 1871, '72 and '73.

Productions of chair and cabinet shops for three years, manufacturer's report, gross amount		\$125,827 47
Stock and work, finished and unfinished, on hand, being \$13,545.99, October 1, 1871, less this amount, October, 1, 1873.		26,127 08
Total.....		<u>\$151,954 55</u>
Loss sustained by the state by the operation of said chair and cabinet shop in three years is.....		\$100,715 77
Deduct from the last current expenses for 100 convicts, <i>per capita</i> , \$791.89.....		79,189 00
There still remains a loss to the state of		\$21,526 77
To this we should add the risk of fire on the investment at the rate of \$6,000 per annum, for three years.....		18,000 00
		<u>\$39,526 77</u>

"From the foregoing facts it appears that the state for the three years named is \$39,526.77 out of pocket, and the labor of 100 convicts, which as an investment, in a 'business' point of view, does not appear to the undersigned as claiming the approbation of the House, or any 'well regulated' business association, and without extending comments the undersigned submit the question to the good sense of the House, whether an investigation is not called for by all rules of prudence and care for the public welfare.

"Also, for the purpose of ascertaining whether this loss is sustained by reason of mismanagement, or by reason of the impracticability of carrying on this branch of business with prison labor.

"The undersigned feel constrained to recommend the passage of the bill.

"J. B. KEHL,
"S. M. KNOX."

With reference to this report, Mr. Wheeler says: "I would say, that any valuation upon lumber or other material, fixed in the inventory, cannot effect the interests of the state, whether that valuation be too high or too low. With reference to other matters touched upon in this report, the books of the institution show all the receipts and disbursements of the prison."

THE ABERNETHY CONTRACTS.

There has been a great deal of complaint that Mr. Wheeler was selling chairs to the Abernathy firm, of Kansas, at ruinously low

prices. It appears from the tables that for most of the year of 1870, Mr. Wheeler sold all kinds of chairs to the Abernathys at an average price of \$5 per dozen. With reference to this contract, Mr. Wheeler says: ,‘The first contract I had with the Abernathy brothers, was made in March, 1870. This contract was virtually ended at the time of the burning of the shops on the 2d day of May following. Sales of chairs under this contract, however, continued for some length of time; how long I do not remember; but this will appear from the books. This was a verbal contract, and, in my judgment, the net price of \$5 per dozen received was fully as much as could have been realized for them in any other market. I preferred this kind of a contract, as it gave a permanent and steady market, and thereby saved the expense of a traveling agent, such as had been employed hitherto. The books of the Prison show the number and kinds of chairs furnished under the contract. The contract was indefinite as to time; as both parties were unwilling to be bound for any stated length of time.”

\$2,500 DISCOUNTED TO THE ABERNATHYS.

From an examination of the books, it appears that during the early part of Wheeler’s term, a discount of \$2,500 was made on a bill of chairs sold to the Abernathys. In response to our interrogatories with regard to this Mr. Wheeler says:

“The discount of \$2,500 made on account with the Abernathy brothers, was an allowance made on account of damaged chairs sent to them. The damage was due, with some, to defective varnishing, and with others, to defective jointing in the seat. About twelve hundred dozen of these chairs had accumulated on their hands, when I was notified by the Abernathys that they could not receive the chairs, and that they were subject to my order. On receiving this notice, I went to Leavenworth and saw the condition the chairs were in. Either at that time, or subsequently, I settled the matter by making the allowance referred to. Under the circumstances, I then thought, and still think, the compromise effected by that arrangement was a very favorable one for the state. No part of this allowance came into my possession. Nor have ever received, directly or indirectly, any sum of money by reason of any ‘drawback,’ ‘rebate’ or in any other manner, through my dealings with the Abernathy brothers, or with any other parties with whom I did business for the state.”

THE MATTER OF TEAMING

"I did receive," says Mr. Wheeler, "\$3.00 per day for the use of each team furnished by me and used in hauling lumber from Chester to Waupun, and for doing other work about the prison. The teams so employed were kept at my expense."

THE FOREGOING TABLES REVIEWED, CONCLUSIONS, ETC.

There was appropriated to the State Prison from the State Treasury during Mr. Wheeler's administration, the sum of \$288,486.79, less \$25,000 borrowed in 1870 and refunded out of the appropriation for 1871, leaving \$263,486.79. Deducting from this last amount the sum of \$68,295.03, expended in construction of buildings and for purchase of machinery, leaves \$195,191.76, from which deduct \$16,909.01, the amount expended by Mr Wheeler during the present year, out of the appropriation of 1874, and we have left \$178,282.75, or a yearly average expenditure of \$44,558.18 over and above the earnings of the Prison, during the four years of Wheeler's administration, ending January 5, 1874.

By an examination of the tables, it will appear that it cost \$164,667.73 to officer, feed, clothe, discharge, warm, tobacco, hospital and light the prisoners, during the four years of Wheeler's administration, ending January, 5, 1874, or a yearly cost of \$41,169.93. Deduct this last amount from \$44,558.18, the average annual state appropriation for this period, leaves \$3,391.25. That is, it has cost the state annually for this period, \$3,391.25 by appropriation, more than the actual cost of keeping the prisoners, and shows to our minds that the manufacturing business of the Prison has proved a failure, and that the state would have been \$13,565 better off, financially, had the shops of the Prison been closed and the prisoners kept confined in idleness. And again, in this estimate, we have not taken into account the large item of interest, nor the sum of \$68,295.03, which went into construction of buildings and for purchase of machinery. Therefore from the most careful estimate we can make, we are forced to the unwelcome conclusion that if the shops had not been rebuilt in 1870, and the business of chair manufacture not been carried on, but the prisoners kept

without labor of any kind, the state would have been better off, financially, by at least \$20,000 annually.

In estimating the annual cost and earnings of the Prison, we have no data to enable us to determine the amount or value of the convict labor, employed in rebuilding the shops, after the fire in 1870. Were this known, it would increase the above building account and would aid us in estimating the loss to the chair shop, through the employment of this labor elsewhere.

This may be

A BAD SHOWING,

And a sad commentary upon Wisconsin prison management, but we can reach no other conclusion in view of all the facts brought out in the course of this investigation. The fault, in our opinion, is due in a measure to the old Commissioner system of prison government, and in a multitude of abuses that grew out of it, either directly or indirectly; yet the trouble is not altogether with the old system, but, as we have already said by implication, the peculiar work carried on at the prison is one, we believe, that can never be made sufficiently remunerative to render the Prison self-sustaining. The business of chair-making requires too great a proportion of skilled labor ever to be carried on successfully by a prison of Wisconsin convicts—the vast majority of whom are laborers and farmers, who have had no previous training at a trade or any of the mechanical vocations.

THE LOCATION OF THE PRISON.

Is very unfortunate for this peculiar business, one that requires such an amount of heavy raw material. Waupun is too far removed both from the great lumber supplies and from an available market for the manufactured articles. The freight on both the lumber and the manufactured article is practically paid by the state.

WE EXPECT IMPROVEMENT

Under the new system that went into effect at the beginning of the present year. We are assured that there will be a great saving over any previous management; but we very much doubt whether the Prison can be made to support itself under any system of management, while located at Waupun, and while the labor is employed

at the business of chair manufacturing. In previous reports the State Board of Charities and Reform has referred repeatedly to the many palpable defects of the old Commissioner system of management. The present investigation has strongly confirmed our belief in the soundness of the views thus expressed. Under the old system, loose management was inevitable. Under it a mere nominal salary was allowed the Commissioner, with expectation that the deficiency would be made up in perquisites of one kind or another. From the foundation of the Prison, the Commissionership has been a political, money making office. Being an elective office, it was subject to frequent changes—a serious drawback to almost every business enterprise. Being a political office, the incumbent by the force of usage or from partisan etiquette, was too frequently impelled to bring into his employ incompetent and untrustworthy subordinates, to satisfy party behests. It was presumed the Commissioner would make money out of the office. And probably not one person in ten thousand possesses the element of political virtue to such a degree as would enable him to disappoint the public expectation in this particular.

In view of the foregoing facts, we submit to your Excellency, and to the wisdom of the legislature, to determine whether it is good policy for the state to longer continue the Prison at Waupun at such an enormous expense to its treasury.

All of which is respectfully submitted.

ANDREW E. ELMORE.

MRS. WM. P. LYNDE.

W. W. REED.

E. E. CHAPIN.

H. H. GILES.

MADISON, Wis., Nov. 17, 1874.

CHAPTER THIRD.

REPORTS OF DELEGATES TO THE NATIONAL PRISON REFORM CONGRESS, THE AMERICAN SOCIAL SCIENCE ASSOCIATION AND CONFERENCE OF BOARDS OF PUBLIC CHARITY.

At a meeting of this board, April 17, 1874, invitations were received to attend the Prison Reform Congress, to be held at St. Louis, commencing May 13; also a "conference of Boards of Public Charities," to be held in the city of New York in connection with the American Social Science Association, commencing May 19.

Both invitations were accepted, and at a subsequent meeting of the board, the vice President and Secretary were elected to attend the congress in St. Louis, and the president and Mrs. Lynde were chosen as delegates to attend the conference in New York.

The delegates attended the meetings of the bodies to which they were commissioned, and herewith submit their reports.

REPORT OF THE TRANSACTIONS OF THE THIRD NATIONAL PRISON REFORM CONGRESS HELD AT ST. LOUIS, MAY 13-16, 1874.

In pursuance of a resolution adopted by this board, its vice President and Secretary attended the third annual session of the National Prison Reform Congress, which convened at St. Louis May 13, 1874.

The following extract from the circular letter of the president of the National Prison Association, Hon. Horatio Seymour, of New York, addressed to this board, states in brief

THE OBJECTS

Of the congress: "It has one aim—the prevention and repres-

sion of crime. This supreme end it seeks through reforms in criminal law; reforms in police organization and action; reforms in prison discipline; reforms in the modes of dealing with discharged convicts; and reforms, or rather more extended action in the department of preventive and reformatory work as related to juveniles."

"Briefly, the ameliorations proposed to be sought are: To secure such reforms in our penal codes, as will make the administration of criminal justice more prompt, humane and efficacious, and such improvements in our police systems as will make the commission of crime more difficult, its detection more certain, and its punishment more speedy; to give stability and permanence to the administration of our prisons by eliminating partizan politics, as a controlling force, from their government; to impress a reformatory character on the prison discipline of the whole country; to organize in such manner as to render effective, the work of saving discharged convicts; to multiply preventive agencies in the form both of industrial and reformatory schools; to educate and strengthen public opinion, so that it shall act efficiently in the direction of needed reforms; and to collect, arrange, publish and circulate the most complete penitentiary and reformatory statistics and other information relating to the penitentiary question that can be obtained from all parts of the world."

ITS MEMBERS.

The most prominent statesmen, philanthropists and scholars of the country are among its members.

The association, though still in its infancy, has already impressed itself profoundly on the public opinion of christendom.

Of its most active and industrious members may be mentioned Hon. Horatio Seymour, Rev. Dr. E. C. Wines, Rev. Dr. Bellows, William Cullen Bryant, Charles O'Connor and Peter Cooper, of New York; ex-President Woolsey of Yale College; Gov. Haines and Dr. McCosh, of New Jersey; Hon. James G. Blaine and W. W. Rice, of Maine; Hon. C. J. Walker, of Michigan; Fred. H. Wines, of Illinois; Nelson Dewey, of Wisconsin; Richard Vaux, of Pennsylvania, Hiram Foster, of Connecticut; Judge Breckinridge of Missouri, and Rev. Marcus Ames, of Massachusetts. Very many more names equally as distinguished might be added to the list; but these are sufficient to show the character and the assured stability of the association.

PROCEEDINGS.

May 13, at 3 o'clock P. M. the National Prison Reform Congress was called to order. Hon. C. J. Walker of Detroit was chosen temporary president. Dr. Elliot of St. Louis delivered the opening address. A brief extract will exhibit the earnest which this distinguished gentleman gave to the delegates and the work before them.

"I do not now speak of the special management of our prisons, nor of specific faults or abuses, for, so far as my personal observation goes, the prison officers and officials do their duty reasonably, some of them, exceptionably well. But I speak of evils of system, prevalent here and everywhere; of inherent wrong in the principles on which prison discipline is founded and administered, the correction of which must come, if at all, by the increase of knowledge in the community, and in the advanced civilization of society. Not punishment, but reformation, should be the chief aim. We desire to fall into no weak sentimentalism. We would not shrink from making men suffer; we ask for no cosseting and foolish indulgence for those who need to learn that as a man sows so must he reap; we would not go one step further as philanthropists than we would as men of common sense. But we insist that the criminal, whether in calaboose or work-house or jail or penitentiary, shall be treated as a human being having the same natural rights as the rest of us, not necessarily worse than many ourselves, capable of being redeemed from guilt and its degradation, and therefore to be taught while he is punished; to be addressed by the arguments of hope more than of fear; to be trained, even in prison, to the rational use of liberty, and so to be prepared for his restoration, at the earliest possible day, to a nobler and better life. Would not such views of prison and prison discipline constitute a revolution—a radical and almost universal change! Would not such a theory, if everywhere introduced, constitute a new era in the treatment of criminals, bringing to their fulfillment the best ideas of Bentham and Howard and Edward Livingston and Crofton and Elizabeth Fry and Josephine Butler and Dorothea Dix and Mary Carpenter, the representative men and women who, with others like them, are the honored saints of the philanthropic calendar."

"But for its practical realization we should need an equally new system in the selection and appointment of jailers and prison superin-

tendents, to whom these sacred interests of humanity are entrusted. Now, political bids or personal friendships, or party influence, control the appointments, and men, unfit for any office of trust, are too frequently vested with uncontrolled and unwatched authority over hundreds of helpless men and women, which they are almost sure to exercise arbitrarily and unjustly whenever prejudice, or passion, or self-interest leads them astray."

Lieut. Gov. Johnson of Missouri, gave the address of welcome. This was an able speech; a brief extract will show his views; he said:

"The generally prevailing prison system of this country does not reform criminals. It is from precedents across the water. Its origin there dates back to barbarous times, when capture was slavery. Somewhat modified by the advancement of civilization and religion, it is, nevertheless, to-day, a species of the most abject slavery, existing without reason, and with no benefit to the culprit, or to society. I have said before that crime, in the majority of cases, is the consequence of misfortune. I reiterate the assertion, and for proof appeal to the registry of every prison in the United States and Europe. How few so-called professional violators of the law do you find? You find instead, the unfortunates, the misguided, the poverty-stricken. Not beings specially at war with society, but beings who, perhaps, it might be more appropriately said, society has warred upon, though not intentionally. It is a fact, extensively noted by observers, that in most cases of crime the perpetrator has rarely any realization of the turpitude of an offense until after its commission. In most cases he is sorry for his action. Thoughtlessness, want of reflection, enters largely into the commission of most offenses. The characteristics of criminals, as a whole, are sadly misconceived.

"The general public only note or are impressed with the characteristics of noted criminals, who are very few, indeed, in comparison with all those who suffer prison servitude, and they associate in their minds all offenders as possessing the same characteristics. This is by no means the case. The majority of criminals are not so bad as people think they are—that is, they are not so far removed from the ordinary type of humanity. I mention these facts to preclude the question, How ought such persons under sentence to be punished? But, first, how are they punished under the general prevailing system? Not quite as bad physically, as when Howard

began his noble work, or Godwin sent a thrill through Europe with "Caleb Williams." But spiritually, I take it, not much better. They are punished in a manner not to reform them, not to make better men of them, but to make worse men of them, to improve them in villainy before sending them back into society. And right here let me say that this is one of the most prolific causes of the increase of crime in society to-day. For your criminal is not always a fool. Active brains are behind prison bars; and when they go out into society as improved villains, educated as such by the state, they not only, as a class, commit their depredations against society's laws, but they exercise an influence greater than is supposed in vitiating and debasing the public morals."

After the usual committees on permanent organization and credentials were appointed, the congress adjourned till the following morning.

MAY 14. The second day's session was interesting. Many delegates not appearing the previous evening were in attendance. The committee on credentials reported a list of delegates entitled to seats. There were about one hundred and fifty delegates present, representing nearly every northern and many of the southern states. The delegates from this state were ex-Governor Dewy, Edwin Hulburt, Mrs. Hendrickson of the State Industrial School, C. R. Gibbs, the vice-President and Secretary of this Board.

The various Boards of Charities and Reform of the different states, and many of the penal and reformatory institutions of the country were represented.

The Secretary of the Association, Dr. E. C. Wines, then presented the report of the Executive Committee.

He referred eloquently to the deaths of Hon. Charles Sumner, Amos Pillsbury, Salmon P. Chase, John W. Edwards, Dr. Hatch, Dr. Frances Lieber and others who had taken active part in developing and carrying forward the principles and reforms for which the Association had labored.

The history of the formation of the Association was then reviewed.

The committee then very pertinently enquire, "What is the work of the Prison Reform Congress? It is to solve the problems, many of them profound, complex, obscure, connected with the repression and prevention of crime; in a word, the minimization of crime, and then to bring its solution to the test of experience."

This most excellent and learned paper should be published in full with this report, but its length and economy in the public printing forbid. The public, however, will be well paid by reading the extracts which treat of the prevailing wants, viz.: The abolition of enforced idleness in county jails, reformatory sentences and the removal of partizan politics from the management and control of reformatory and penal institutions.

The learned doctor said. "There is nothing that so amazes observant and thoughtful foreigners, who interest themselves in the study and improvement of prison discipline as the endless fluctuations in the administration and incessant changes in the staffs of American prisons, arising from the undue — we believe we do not go too far in saying the dominant influence of partisan politics in their management. Again and again have members of this committee heard these men declare that they did not see how it was possible, amid the embarrassments and obstacles necessarily resulting from such a state of things, to accomplish anything in the way of solid progress and reform. And, indeed, it would be impossible but for the elasticity, energy, strong mother-wit, and wonderful pliability and power of ready adaptation in the American character. There can be no doubt that the radical, the supreme defect in the prison systems of America lies in the practice of political appointments and the consequent brevity of official tenure and instability of administration. Now, we are far from making war on party politics. Within its appropriate sphere, this agent in our civil life has an important and generous function. Without its restraining force, the ruling power, drunk with prerogative, unawed by the vigilance of opponents, and released from all feeling of responsibility, would degenerate into despotism, and tyranny would hold perpetual carnival. But there are some things which it touches only to mar or to ruin. There are precious interests, in reference to which the warning must be sounded, 'touch not, handle not.' Religion is one of these; education is another; and, surely, the penal, reformatory, and preventive institutions of a state constitute a third, since they combine, in a high degree, the characteristics of both, being, if they are what they ought to be, at once religious and educational. We cannot stay to enter into an argument on this point, for which there is no time; but we must and do emphatically avow the conviction, that the system of political appointments, which necessarily involves a low grade of official qualification and

constant changes in the prison staff, renders nugatory, to a great extent, the whole theory of our penitentiary system. Inspection may correct isolated abuses, philanthropy may relieve isolated cases of distress, and religion may effect isolated moral cures, but genuine, comprehensive, systematic, and above all, permanent improvement is impossible.

“There is another measure of reform, which probably will not, as an actual policy, carry all votes, though few will deny the abstract justice of it. It is the substitution of indefinite reformatory sentences, in place of sentences measured by the mere lapse of time. The principle, in this precise form, was first announced by Mr. Frederic Hill, of England, the eminent author of ‘Crime; its Causes and Cure,’ and for many years Inspector of County and Borough Prisons, first in Scotland and afterwards in England. The principle has been accepted and ably advocated by many distinguished penologists on both sides of the Atlantic, notably by Despine of France, Guillaume of Switzerland, Matthew Davenport Hill of England, and Brockway of America. Who of us that attended the Cincinnati Congress can forget the magnificent and powerful argument in support of this principle, as given by the last named of these gentlemen, in his paper entitled ‘The Ideal of a True Prison System’? The principle follows, as a necessary, logical result from that theory of public punishment which teaches that the end of such punishment is the protection of society, and that society is best protected by the reformation of the transgressor. By this theory the criminal is restrained of his liberty because he is a dangerous man; his unrestricted freedom would be a constant menace and peril to society. It is, therefore, equally imperative, on the double ground of right and security, that society let him go as soon as it is rationally convinced that it will be safe to do so, and that it holds him in durance so long as, on the other hand, it is rationally convinced that he would, immediately on his liberation, return to a career of spoliation and crime. For what reason is there either to further restrain him after the object of his imprisonment has been gained, or to set him free before that point has been reached? On the former supposition, his continued restraint would be unjust both to the criminal and to society; to the criminal because the necessity for such restraint would have ceased; to society, because it would thereby impose a needless burden upon itself. And the latter procedure would be worse than absurd, be-

cause there would be the same reason for continuing the detention that originally existed for imposing it; in other words, for keeping as for putting him in prison. Still, however consonant this principle may be to reason and natural justice, it must be owned that there is a formidable difficulty in the way of its practical application. If, therefore, it is ever to be so applied, it is likely that it must be under certain limitations. The courts must assign a maximum duration to the punishment, leaving a discretion, greater or less in extent, to the authorities which are charged with carrying out the sentence, precisely as is done every day, with such excellent effect, in sentencing juvenile criminals to our reform schools. But it is hardly worth while to go further into the argument at present, as this also, is a reform which, like so many others, must wait for the banishment of politics as the controlling force in the government of our prisons; for what could be more insane than to commit to men, who are never permitted to get beyond the A B C of prison management, the decision of a question which would be safely answered only by the highest intelligence united to the widest experience.

“But there is another reform of immediate and pressing necessity, involving warfare upon an evil deeply seated, widely spread, and of the most formidable proportions—an evil intrenched in interest, custom, prejudice, and, above all, a popular indifference, as inexplicable as it is unpardonable. We refer to our county jails, two thousand or more in number, as they exist to-day, and have existed ever from the northern lakes to the southern gulf, and from the eastern coast to the western. When de Beaumont and de Tocqueville reported, nearly half a century ago, to the French government upon our penitentiary system, they spoke of our county jails as ‘among the worst prisons they had ever anywhere seen.’ And to-day another intelligent foreigner (Mr. Wm. Tallack, Secretary of the Howard Association, England), who knows whereof he affirms, from observation as well as books, in a paper sent to this congress, says: ‘It is a strange anomaly that the vast energy of the American people, who originated the congress of London, does not appear to have been able to effect any decided improvement as yet in the very numerous county jails, which form the largest class of American prisons, institutions in which the worst evils of congregate idleness, imperfect separation even of the sexes, corrupt officials, and every kind of bad construction, are so general as to re-

tain the United States, in respect to the great majority of their jails, on the low level of Spain, Turkey, Egypt and other mere semi-barbarous nations.' Though from a foreigner, 'this witness is true;' as true as that by a poet of Crete concerning his own countrymen when he declared: 'The Cretans are always liars, evil beasts, slow bullies.' It is so true, that if, by some supernatural process, our two thousand jails could be unroofed, and the scenes they conceal be thus instantly exposed to our view, a shriek would go up from this congress and this community that would not only reach every nook and corner of the land, but be heard, in Scripture and phrase, to the very 'ends of the earth.' There might and would be a few cheering spots, little oases scattered here and there, in the wide desert of obscenity, profanity, wretchedness, filth, enforced idleness, seething corruption, and dreary moral desolation, that would at all points meet the gaze and make every nerve quiver with horror. Truly there is needed a new Howard to go from jail to jail throughout the length and breadth of the land. A new 'State of Prisons' is wanted, in which the manifold wrong and abuses practiced in our common jails shall be brought to the light after the manner in which the great prison reformer of the last century, in his 'State of Prisons,' dealt with the jails and Bridewells of that day."

"Our whole system of common jails needs, not simply improvement, but revolution. It is a herculean labor that we propose; but it can be done. Truth, patience, zeal, faith, work, are essential elements in the problem; but, these elements given, the solution is certain. The system as now existing must be approached prudently, no doubt, and in weakness of wisdom; but nevertheless, it must be approached, assailed and battered with the weapons of reason, of argument, and of godlike charity, till it is swept away by the force of the assault, and a new and better system is adopted in its place."

The report concludes with a brief review of the proposition of Mr. Edwin Hill, of London, to forbid the giving of house-room to criminals, and the suggestions of that gentleman are commended as instructive and valuable in a high degree.

The entire report fills thirty-one octavo pages of printed matter, and is a valuable part of the transactions of the Congress, which transactions are now being compiled by the secretary of the association, Dr. E. C. Wines, of the city of New York, and will soon be

given in book form to the public. Following this paper came the report of the committee on Discipline, also the report of the committee on Discharged Prisoners. After the reading of these several papers, a general discussion followed, participated in by the practical men in prison management. This debate took quite a wide range. Some twenty ten-minute extemporaneous speeches were made. This report can only give the outlines of five or six of those who enjoy good reputations as wardens of prisons.

Mr. Cordier of the Alleghany County Work House, Pa., formerly Commissioner of the Wisconsin State Prison, was the first speaker. He said he had no system of his own. Since he became connected with penal institutions he had found that labor was one of the fundamental principles of prison reform, and further, that that labor must be free and voluntary. You can't make men work by force if they don't want to; you can't make him good if he has not the moral strength and disposition to begin that work himself. They must be convinced that labor is a blessing, not a curse: a privilege, not a punishment. The first lesson I teach them—"If you work like a man, you shall have a portion of your earnings; if you shirk it, we shall deprive you of the privilege." What they earn cannot be taken from them. I have never punished a man for refusing to work. It took but a few days for him to find out that labor is a blessing and a privilege. If that was what was meant by free labor by the gentlemen, he was in favor of it in workhouses, jails and penitentiaries. One word more—the result: No prison in the United States can show better behaved men, while it has been more than self-supporting, and while no punishment has ever been inflicted within it. When we succeed our prisoners will rejoice, because they know they did it by their enterprise and industry."

Mr. Seaman of Michigan, said there had been too much talk about brotherly love to suit his taste and experience; too much talk about moral suasion, and about work without coercion. In proof he read the account of the murder of a jail keeper by the murderer Joe Waltz, and asked these benevolent gentlemen if they would treat such a man as a brother. If so, how is crime to be repressed, or men taught that the way of the transgressor is hard? His experience, and it was not a short one, was, that a portion of mankind can only be repressed by the fear of punishment. The protection of the community is the end of criminal punishment. He read other recent horrible murders, to show that a portion of mankind

have no such thing as moral sense, and are beyond reformation, beyond the reach of the salvation that the gentlemen preach. Moral suasion answers, if legal suasion is behind it; alone, it is a mere rope of sand. The doctrine of total depravity does apply to a large portion of convicts. The principal means of reformation, so far as his experience and study went, is silent labor by day and solitary confinement by night. He claimed that, as an American measure, and as Americans, we have reason to be proud that we have in a measure this system.

Mr. Rockwood of Utah, made a few remarks. His sentiment was, "watchin' is jist as necessary as prayin," in the care of prisoners, and he found that those prisoners who do the most praying are those that need the most watching. He quoted the prayer of one polygamous prisoner:

"Now I lay me down to sleep,
I pray the Lord make Burnett sleep;
If I get away before he wake,
May he never me overtake."

W. W. Rice, Penitentiary Warden of Maine, was called out, and said: Our prison is unique; it is conducted entirely upon state account. It numbers about one hundred and fifty-two inmates. We have been enabled to pay all expenses and a few thousand dollars besides. Our principal business is carriage and harness making, and making boots and shoes. Our punishments are deprivation of food and occasionally the dark cells. Not more than two per cent. of the convicts have any trade, and we make it a point to teach him the whole of that trade. Our discipline is, perhaps, less rigid than that of any other penitentiary. We have no officers who are not also instructors. We govern as little as possible, never for the sake of governing. A convict will learn a trade in two years, which outside of the penitentiary would require three years. We never pay them anything except enough to get a certain distance from the penitentiary, but we compensate them by giving them a better opportunity for learning. About eight per cent. are repeaters or recommitments. We employ an instructor for them, who gives them his evenings and Sundays, and most of the convicts acquire a considerable education.

Mr. Bigham, of Pennsylvania, made some explanations regarding the prisons of his state. Politics have but little to do with the ap-

pointment of managers of the prisons. Changes in politics do not affect the chief affairs of the prisons. Some few of the subordinates may be removed, but seldom a manager or principal officer. He would advise all other states to adopt the system of Pennsylvania, to get the appointment of the prison inspectors in the hands of the courts, and get them to regard the office of warden as a sacred trust, and when you get a good man keep him as long as you can.

Mr. Vaux, of the Eastern Penitentiary of Pennsylvania, and president of the convention, addressed the congress and explained the peculiarities of this system. The prisoners do not work together, eat together, or ever see each other. It is called the "individual treatment" system, and works well. Every man is taught a trade; and to read, write and cipher. The guards carry no weapons, except the night watchman in the prison yard. He had been an officer for thirty-three years, and never yet had heard the sound of a pistol within the prison. They did not farm out their industry; they buy their own leather and convert it into boots and shoes, which are sold at the market price. The profits go to the institution. It was not self-sustaining, and he hoped to God it would never be.

During this discussion many fine theories went out of sight with a certainty which evidenced that practice is better than preaching concerning the care, custody and treatment of prisoners. It appeared that there were two distinct classes of prisoners bent upon liberty; the one class hoped by uniform kindness and suavity to gain the good will of the prison officials, thereby a certificate of good behavior for the use of the pardoning power. The other class by intrigue, by night and by day, *to go out*. The one class, from force of habit, becomes truly reformed; the other, never. The tricks resorted to by the schemers are as varied as their different minds. Some watch the approach of the good chaplain, as if, to touch but the hem of his bombazine was liberty itself, while at the same time as it were, in the cell would be hid the bludgeon, the knife, saw and cord. Others, with wickedness marked through every feature, would resort to any means to make an escape from custody. Others, "child like and bland," would rogue their way out into the world by a simple "twist of the wrist." By the practical warders the two classes, good and bad, are well known, and are treated and disciplined accordingly—treated as if society outside the prison walls had rights to be respected and not forgotten, that the prisoner

is a human being and ought to go forth from prison life a better person than when committed.

MAY 15. Charles L. Brace of New York, chairman of the committee on Preventive and Reformatory work among children presented his report.—This paper was very lengthy and full of statistics and information. During the past twelve or fifteen years car loads of criminal juveniles,—vagabonds, and gutter snipes have been transported to the west from New York to grow up with the country. The portion of this class distributed through our Western Industrial schools for boys should be ascertained — and if this system of distribution continues ought not the study of the people of Wisconsin be directed to the economy of building cheap jails, instead of so expensive churches; of state Industrial schools for boys instead of state universities. That part of the paper called “placing out” will be examined with interest by parents and guardians. Only two or three extracts can be made from this paper — Mr. Brace said:—

“We are prepared to report to this congress such a victory of prevention, gained in one of the most difficult points on this continent, our most crowded city, and one exposed to the evils of a poor foreign immigration, where, of necessity, the best of American ideas have less scope and field of influence than in any other city of the Union. We shall reverse the historical process and first detail the particulars of the successes gained, and then describe the strategy that led to it. Twenty odd years ago, the condition of the female poor in New York city was lamentable indeed. Great numbers of the little girls and older daughters of destitute foreign emigrants were drifting about the streets. They were growing up as petty thieves and prostitutes. The arrests of females for vagrancy were enormous. These children and girls would not attend the public schools, and came under no religious influence. As they matured they joined the great multitude of abandoned women, whose miseries and crimes already made New York notorious. So conspicuous and alarming had these evils among street children — both boys and girls — become, that, in 1848, the Chief of Police, Captain Matsell, (returned again to the place in 1873) put forth a celebrated order in regard to street children. This and the charge of the grand jury that year roused public attention to these terrible evils, and in 1852 and 1853 began a

series of well arranged and carefully founded efforts for street children in New York, which we shall describe more particularly later. We will now turn our attention to the offenses and crimes which had been rife in New York among girls and women, and note what changes, if any, occurred in the police and prison records of these offenses, within a reasonable time after the formation of these preventive associations.

"STATISTICS OF JUVENILE CRIME.

"It should be remembered that there are two different records of crime in New York city, which will go to show either its increase or decrease. One, that of the arrests by the police, and the other that of the commitments to the city prisons, contained in the reports of the Commissioners of Charities and Correction. These two records do not precisely correspond with one another, as the classification is different and many persons are arrested for offenses who are not imprisoned.

"CRIMES OF YOUNG GIRLS.

"In regarding the special offenses of young girls, vagrancy is the one that includes street-walking, homelessness, and many other habits which lead to public prostitution. We find the arrests of females for vagrancy to be 2,161 in 1860; in 1871 they were reduced to 495, or a reduction of 1,666 in eleven years. From 1860 to 1870, the population of New York increased from 793,179 to 942,292, or an increase of a little more than twenty per cent. If the female vagrants had increased according to population, they should have amounted to 2,700 in 1871. Again, picking pockets is a crime among girls. The arrests for this offense have fallen from fifty-nine in 1868, to three in 1871, the last year to reports of which we had access.

"Petty larceny is also a crime of young girls. The arrests, for this offense, of females have fallen from 958 in 1860, to 823 in 1871. If the petty female thieves had increased with the population, they would have amounted in 1871 to over 1,100. Of the arrests of girls under fifteen years, we have no records, except from 1860 to 1864. During these four years the arrests diminished from 494 to 400.

"These figures, taken from our most trustworthy records of crime, indicate a diminution of offenses among young girls such as has scarcely ever been known in the history of preventive measures.

An absolute decrease of over 5,000 arrests of female vagrants in ten years is one of the most remarkable and hopeful facts ever presented to the laborers in the field of prevention. If these 5,000 vagrants were imprisoned for but three months each, the saving brought about by preventive measures would amount to about \$175,000 in one year, the expense of each girl in the city prison being \$141 per annum. But, when we think of the vast amount of misery, suffering and crime saved by the rescue of these 5,000 girls, we must feel how much is added to human happiness by judicious measures of prevention."

Statistics are given concerning boys during the same period, and then the learned writer compares the past with the present, and says:

"In reviewing these remarkable statistics it will be observed that the arrests of females for vagrancy are reduced in eleven years over 1,600, while the commitments for this offense have fallen from 1860 to 1871, more than 5,200.

"Again, the arrests for picking pockets by girls have fallen from 59 to 3. Petty larcenies have decreased 136 in eleven years, and the commitments for that offense 369.

"The commitments for juvenile delinquency among girls have fallen off from 240 to 59. Those of girls under fifteen years fell off in nine years 114. Those for girls from fifteen to twenty years in eight years, 240.

"The arrests of boys for vagrancy fell off in ten years, 469. Those for pickpockets decreased 361. The arrests of boys for petit larceny increased during eleven years only 184. The imprisonments of boys for vagrancy fell off in eleven years 320 ; for petit larceny they decreased 334. The commitments of boys under fifteen years fell off in six years 563.

"There is nothing to account for the diminution of juvenile crime in the city of New York during these years except the influence of moral and preventive measures, for during that period a terrible civil war has occurred, with all the necessary evils which follow wars, and several panics and prostrations of business. There have been in the past eleven years in this city times of both great depression and great prosperity; emigration has poured in its enormous multitude of poor people, leaving the most helpless and vicious to remain in the city; indiscriminate charities have drawn in the idle population of the country round ; liquor saloons have been almost

unrestrained by law; gambling houses and houses of prostitution have increased to a fearful extent; and yet through all these years under the wise persistent measures of preventive charity, juvenile crime is either absolutely diminished, or has failed to keep pace in its advance with the increase of population.

" MEANS EMPLOYED."

" The movements of preventive strategy, if we may so call it, which have brought about these great moral successes in New York, were in the following directions: 1. Education, including industrial training, as well as school teaching, moral instruction by the fortunate classes of the unfortunate, and, above all, the influences of religion; 2. Shelter, including training in habits of order, punctuality and saving, with provision for the body; and, 3. Emigration, or the transference of destitute and homeless children to well-selected homes.

" In 1852 and '53, a number of new preventive agencies were either founded or enlarged to deal with the problems of childish poverty and crime in New York. Among them we would specify the Five Points Missions (founded much earlier), the Wilson Industrial School, the Juvenile Asylum, and especially the Children's Aid Society."

Here follows a general history of the workings of the different charitable institutions of New York, and the relation of crime and ignorance.

From this paper it appears that the " children's aid society " has been a great motive power propelled by the christian churches of Brooklyn and New York in sending west, what have been called in the state of Wisconsin " iron clad orphans."

This process is called by eastern philanthropists " Moral Strategy." The influence of one of these waifs in a neighborhood for the few weeks of his sojourn spreads more evil and mischief than can be cured by the good work and prayers of the united benevolent societies in the land for years thereafter. It is a misdemeanor to scatter and sow noxious weeds on the prairies and in the openings of Wisconsin, but it is " Moral Strategy " to annually scatter *three thousand* obnoxious " iron-clad orphans," juvenile criminals among the peaceful homes and in the quiet neighborhoods of the state.

“ PLACING OUT.”

“The third of the great methods for prevention employed by the Children’s Aid Society, and to a limited degree by other charities in the city of New York, has been the transference and placing out of destitute and homeless children in rural homes. This has been carried out on an enormous scale by this association, they having placed out during the past twenty-one years over 20,000 of these children, a great number of whom have grown up to be respected men and women, and some of whom are now filling places of trust and honor. The circumstances favoring this in America are the great demand for children’s labor, the peculiar humanity of the people, and the good, social position of the youthful laborer in a farmer’s family. All these combine to make a judicious and well-planned system of emigration of children from the city to the country, the best possible preventive measure. And, though here and there these street children may not at once do well, yet the great popularity of this movement, both in the west and east, for the past twenty years, and the demand for children’s labor from rural districts, beyond all possible supply, show that this preventive effort has been as successful as it falls to the lot of most human efforts of charity to be. The economy, too, of this method of prevention is a singular argument in its favor. Thus, during the past year (1873), the Children’s Aid Society sent to rural homes over 3,000 children, yet the average cost per head, including salaries, railroad fares, clothing and all expenses, was only \$7.16. In prison these children would have cost \$141 per annum, or about twenty times as much, that is, prevention was twenty times cheaper than punishment.

“This, then, is the simple,

“ MORAL STRATEGY

Which has produced such a marked diminution of juvenile crime in New York. It is a movement in three different lines, of 1. Education; 2. Shelter; and 3. Emigration. It is defective in one respect. Were this deficiency filled out, it would bring forth even more glorious victories of humanity. It is not supplemented by law. Were only a simple and stringent act passed, compelling every child engaged in a street trade to have a license, which license should be made dependent on his or her attending a “half-time

school " (whether public or private), we should at once break up all that remains of juvenile vagrancy, and have a law not too severe or too onerous on a self-supporting class of children for courts to execute.

"Till this be done, we shall never succeed in our struggles with the evils of vagrancy and poverty among boys, to the same extent as among girls.

"We shall check its natural increase with population. But we shall not show so large an absolute diminution. We earnestly invoke the aid of congress in securing from our legislatures the passage of such an act, enforcing half-time schooling on the street children of cities, employed in lawful avocations."

After the reading of this paper a general discussion was raised. It was principally conducted by the managers of industrial schools for boys. About the same number of ten-minute speeches were made as on the day before upon prison discipline. A synopsis, only, of this interesting branch of reform can be allowed in this report.

Mr. Bigham stated the condition of juvenile reformatory institutions in Pennsylvania. There are two houses of refuge in that state. That at Pittsburg has only been in existence a short time. Another is at Philadelphia. In both there are three departments—white male and female, and black. We adopt the family system. Half the time is devoted to study. Girard college is partly educational and partly reformation, holding many who would otherwise find their way into reformatories. We have many orphan schools which perform the same office—soldiers' orphan asylums—and the state has contributed them over \$5,000,000. In the various reformatories, legal and voluntary, there are 40,000 children. Perhaps 50,000 or 60,000 children, between six and sixteen who do not habitually attend public school, and half subject to no parental instruction, the great body of the remainder neglected, who stand to our orphan asylums as the Rocky Mountains, with its wells, springs and melting snows, do to the Mississippi. It may yet come to compulsory education in our state.

Dr. Howe, of Ohio, principal of the Ohio Reform School, spoke of the family system there in that school, now the largest of the kind in the country, containing 460 boys. Some six or seven similar schools have been established since in other states. A greater freedom is extended to the boys than perhaps any other reformatory in the world, and we have arrived at a point we did not

anticipate.* We anticipated the necessity of a place of confinement, and we built a small stone-lock, but there hasn't been a boy in it for years, and it is now used as a meat-house. We have proved to the world that it is not necessary to lock boys up. I know in the depth of my heart there is no such necessity. The people of our state would be glad to place every boy who has no home, only it is not large enough, and it is confined to the criminal classes. The secret of success is little government, none for the sake of government. Hardly a boy has been struck for years. Our boys don't run off. Why? I don't know. If we built a wall around them they would. And it is just so with men in prison. Our farm is so large, our discipline so easy, that the boys don't care to go away. There are only four that we can't trust to go to Lancaster, seven miles away.

Mr. Canisius, of Ohio, spoke of the school of Dr. Howe, which he had visited on one or two occasions. One secret of the institution was the influence of woman over the boys. The matron is a mother to them all, and admirably seconds the work of Dr. Howe.

General Minor congratulated the convention on the general acquiescence in the principle of kindness, which was more widespread now than even at the last meeting at Baltimore. Men are but children of a larger growth, and he had never yet seen a child or man so debased as not to be subject to the influence of kind and generous treatment. This principle of kindness is now an established principle in the future government of all institutions of this kind.

Mr. Johnson, Superintendent of the State Reform School of Michigan, spoke of that school, which has been conducted after the plan of the Ohio school. Mr. Johnson said, with complete success, we have less trouble with the boys outside the buildings than inside. Liberties and privileges are contingent on good conduct. It is not sunshine all through. We have always felt that about seven-tenths of the boys are reclaimed. Standards of reformation differ. There is a reformation for a boy who never saw a year that his parents were not in the work house, which would not be a reformation for your boy. One of the boys from our school is now worth \$70,000, and a compeer of the best men where he lives. Another is town treasurer in his place of residence.

Prot. McCarty, Principal of the Iowa Reform School, gave an account of that school, which had been very successful. There is a

farm of about nine hundred and fifty acres. This year we are cultivating three hundred and fifty. We have two family buildings. We do not have to lock up any of the inmates. Our boys are cheerful—they are generally industrious and studious. In regard to discipline, the first thing is to send the boy to the bath room. I then have a full talk, find out everything about him and his family. The boy is always treated with politeness and respect. We insist always upon obedience. Our chief punishment is to place the boys alone in rooms provided for that purpose. The school is divided somewhat as the Ohio schools are.

Mr. Griffith of Maryland, said the principal reform schools of Maryland are in Baltimore. In the Boys' Reform School there are about three hundred inmates. Every appliance is used to bring about a moral reformation. There is no regular chaplain. Voluntary religious instruction is given. There is a Sunday school. There is a preaching service in the afternoon of each Sabbath, by ministers of different denominations. There is a reform school for boys and girls, under the management of the Catholics. A Sabbath school paper is regularly published by the inmates of this school, which has quite a large circulation. There is a school of refuge for colored children some little distance from the city, conducted on the family plan.

Mr. Fulton of Rochester, spoke of the Western House of Refuge of that city. He favored the plan on a much smaller scale than yet practiced. He would have the boys divided into families of ten or fifteen, the different families each pursuing a different trade or business. But he felt he could not, for various reasons, carry out this plan. There is a system of merit badges in one. We change the diet of unruly boys as a punishment.

Gen. Bain, of Illinois, favored practical education for children, so that they would not become vagrants. They should early be taught the rights of property, the laws of health and sanitary laws.

Mr. Reynolds, of Illinois, thought great injustice was done to boys by teaching them trades which were of no account. They should be taught occupations they could follow. In the Reform School in Illinois, they were taught shoe making and brush making, and would soon be taught blacksmithing and cabinet making. They encouraged them in farming and stock raising.

Hon. C. R. Gibbs, of Wisconsin, spoke of the Wisconsin Industrial School for Boys, at Waukesha.

Rev. Marcus Ames, of Massachusetts, said that preventive and reform work must go together. He then described the Girls' Industrial School, at Lancaster, Massachusetts. Reformatory and preventive institutions, under municipal and state control, were the great agencies to be depended upon to reclaim erring girls. The work is not an easy one. Love must sometimes be manifested in restraint and deprivation. The question how to prevent the increase of the class of fallen women, was a great one. The speaker then alluded to a visit to the St. Louis Workhouse, and said he had not seen so painful and humiliating a sight since he saw the slave at the auction block in the days before the war. This work of reform must be begun early. He then described the institution at Lancaster. It was conducted on the family plan. They had five houses of thirty inmates each. Household labor was the best thing to teach girls.

Mr. Wharton, of the Cleveland Industrial School, described the work there. Reform was good, but reform without the "re" was better. Formation was what was needed more than reformation.

MAY 16. The report of the Committee on Police, by ex-President Woolsey, of Yale, and the report of the Committee on Criminal Law Reform, by Judge Walker, of Michigan, were submitted to the congress. President Woolsey's report would fill nearly twenty octavo pages of solid print. Only the closing paragraph of this valuable paper will be here given.

"In closing what we have to say on the police power, we advert to the estimation in which this class of our guardians is held, especially in large towns. There is in a part of society a dislike, and in another part a contempt for them. And this feeling is quite extensive. Mr. Bluntschli considers it one of the political problems of the times to raise this branch of officials in the regard of citizens. They are dreaded in absolute forms of government as the helpers of despots; but we and the English, who have no such reason for fear, have a feeling towards them which we do not entertain towards our other defenders—sailors or soldiers. Why should this be, when they are a most useful and necessary class, not exposed, perhaps, to any peculiarly corrupting influences, and often showing more gallantry against burglars or riotors at night than soldiers ordinarily have a chance to exhibited? We can explain why the tax gatherer and bailiff are not welcome, but it is not so easy to tell why those who always protect us—with whom not one in a

thousand of quiet citizens ever comes into conflict, should be held in low esteem. Can the reason be that police power is preventive and a restraint on our natural freedom, in cases where violations of general rules, in special instances, are felt to be of trifling importance, and not worthy of notice? Or, can it be because the office of a policeman involves summary acts of *personal* power, against which men naturally revolt? Or is it owing to the fact that they are in some sense moral scavengers, whose occupation seem to put them on a level with the low, so that many are reluctant to take the office? However this may be, such a feeling towards this most useful class of public servants seems to be a serious evil, and needs a remedy if one be possible."

The report on Criminal Law Reform, apparently covered the whole ground, in about ten pages. Judge Walker said he had been so busy administering the laws that he had had little time to consider needed changes. He was a member of the State Board of Charities, and had been requested to prepare a revision of the penal code of Michigan, and his remarks would be confined to that point. He alluded to the fact that Michigan had abolished the grand jury system and capital punishment. The points needing improvement in the penal code were: 1. Crime, its definition and classification. 2. Procedure, including, arrest, detention and trial. 3. Sentence, including the treatment of prisoners after sentence. The number of crimes is very great, and increases with advancing civilization. The incongruities and ambiguities of the penal code were very great. The topic of procedure, including detention before trial, what should be done with witnesses detained, speedy trials, cases of young children, was touched upon; the question how far defenses should prevail on purely technical grounds, whether the jury system could not be so modified as to more thoroughly protect the innocent and punish the guilty, so that it need not be necessary to have an unanimous verdict. Short sentences, as a rule, did not produce healthy results.

Judge Walker then spoke on the subject of indeterminate sentences, alluding to the difficulties of the subject. He thought the system of graded prisons, under one control, with power of transfer and re-transfer, a very good one.

THE DISCUSSION

Of the topics presented was then taken up.

Mr. E. C. Seaman, of Michigan, read a paper which discussed the whole subject of criminal law reform.

Senator Baldwin, of Illinois, and Hon. Edwin Hurlburt, of Wisconsin, made interesting speeches on the same subject.

The Secretary submitted to the Congress several important papers, among which was "Suggestions on Reformatory School and Prison Discipline, founded on observations made in the United States," by Miss Mary Carpenter.

RESOLUTIONS.

The following resolutions were adopted:

"**WHEREAS**, The Prison Congress, both at Baltimore and Cincinnati, passed a series of resolutions setting forth certain principles connected with the subject of prison reform, this congress do not deem it necessary to cover the same ground.

"*Resolved*, That the papers read before this congress, and the discussions that have taken place, have very clearly shown both the vital importance of the law of kindness in the treatment of prisoners, and the increasing exercise of that law in the administration of our prison system.

"*Resolved*, That the detention of prisoners awaiting trial in our county jails, where all classes of prisoners are mingled together, is an evil that demands a prompt and thorough remedy.

"*Resolved*, That experience has demonstrated the great value of permitting prisoners to share in their own earnings, and to shorten the time of their imprisonment by good conduct, in stimulating to cheerful labor and in promoting reform.

"*Resolved*, That this congress approves, and thereby lends whatever influence it may possess in support of the formation of refuges for discharged convicts and other destitute persons, who, from want of employment, and the misery thence resulting, are in danger of falling into crime; but, in doing so, it desires to place upon record its earnest conviction that their stay in such establishments should be the shortest possible, and that permanent work should be provided for them at the earliest possible moment."

In relation to the finances, the following among other resolutions was adopted:

Resolved, That the legislatures of the several states and territories be and are hereby requested to subscribe for and take, when published, a sufficient number of copies of the annual volume of Transactions of the said Congress to supply one copy to each member of such legislature, one copy to each of the penal, reformatory and charitable institutions of such state, and each of the executive officers thereof, also, one copy to each of the state officers of such state, one copy to each of the county officers (for the use of their office) of each county of such state, and one copy to each of the more considerable libraries of the state; and such legislatures are hereby requested to appropriate a sum sufficient to pay therefor, and to cause the same to be paid to the Secretary of the Association."

And the congress adjourned.

According to the calculation of Dr. Wines, Secretary of the National Prison Association, the transactions of the Prison Reform Congress at St. Louis, will cover nearly 700 octavo pages; therefore it is obvious that this report can only be but a brief and imperfect abstract gathered from notes taken at the meeting and from a few of the advance sheets of the forthcoming volume of Transactions. This book, soon as published, should be placed in the hands of every philanthropist in the land; also in the hands of each and every person engaged in and about the penal and reformatory institutions of Wisconsin.

CONCLUSION.

What benefit has resulted from this congress? It is generally conceded among men of business—men of the world, that professional reformers rarely reform. They are apt to be men of fervid earnestness and limited views, who pursue one idea without coupling that idea with common sense. Their intense earnestness on their favorite "hobby," forgetting all else besides, makes them fail to engage public confidence, and hence what they desire to be—a success, generally proves a stupendous failure.

Many prison reformers fix their attention on the prisoner alone, quite overlooking society whom the prisoner has outraged; quite forgetting that society has any rights to be respected, or that society should be remembered at all, except to be taxed to make the culprit happy and good. Nearly or quite one half of the members of this congress were composed of this class; and they heartily applauded when Mr. Vaux, of Pennsylvania, stated that the peniten-

tiary with which he has been connected for over thirty years, cost the tax-payers annually about \$75,000, and was not self-supporting, and he hoped to God it never would be." What national reform can be expected when men will stray so far away from justice? Such reformers—such single-idea men are too apt to be controlled by emotion. Not justice, but sympathy, is their guide.

The congress was not composed of the emotional one-idea men, alone. It was balanced by intelligent wardens, directors of prisons and superintendents of reformatory institutions, by men, who, while they deprecated brutality toward prisoners, were not willing to allow, that society, through "grace, mercy and peace," should generously court the authors of crime; thieves, burglars and murderers. By this congress, preaching and practice appeared to be joint tenants. The congress has its use. It invites public attention to the subject of prisons, and exposes some of the abuses that exist. It expounds the rights and reciprocal obligations of society and of the convict, and ascertains the mode of treatment which will respect those rights and meet the required obligations, and when this reform shall have been accomplished, neither society nor the prisoners can complain. This is the reform sought to be reached by the National Prison Association, the congress of which was held at St. Louis, Mo., May 13-16, 1874.

All of which is respectfully submitted.

E. E. CHAPIN.

AMERICAN SOCIAL SCIENCE ASSOCIATION AND CONFERENCE OF BOARDS OF PUBLIC CHARITIES.

Any detailed report of the transactions, or of the papers read and discussions held during the meetings of these bodies, would be too lengthy for this report. Only a brief outline will be attempted of such portions of the proceedings as seem to possess general public interest, or to bear directly upon the work of our own Board.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

The meeting of this Association was held in the hall of the Young Men's Christian Association, opening to the public on the

evening of the 19th of May, by an address of welcome by the President, George Wm. Curtis, and followed by papers prepared and read by Dr. Woolsey, ex-President of Yale College, and by Gamaliel Bradford, of Boston.

On the second day of the session, able papers were presented, from President D. C. Gilman, of the University of California; Willard C. Flagg, of Nora, Ill.; D. A. Wells, of Norwich, Conn.; Prof. Benj. Pierce, of Cambridge, Mass.; Gardner Hubbard, of Boston.

On the third day, papers by Dr. Alfred L. Carroll, of New York, on Sanitary Science in Schools and Colleges, of great interest, as also a short paper by Dr. Agnew, on the Effect of Study and School Usages upon the Eyes of Students, with a Short Plea for the Teachers' Side of the Question, by Miss Anna C. Brackett; Dr. G. Foster Jenkins, on Tent Hospitals, which contained many statements of facts in favor of such hospitals, and furnished forcible arguments against the erection of public hospitals on a scale of such magnitude and expense as has prevailed for past years, and many suggestions of economy and utility in their construction.

The opinion (given questionly), that it would be better, instead of erecting, as we do now, edifices of brick and stone, to put up frame buildings and burn them down every year or two, seemed to meet with general favor.

A paper by Geo. T. Angell, President of the Massachusetts Society for the Prevention of Cruelty to Animals, possesses great interest to the general public, and elicited considerable discussion, in which Messrs. Henry Bergh, L. Jackson and S. Schultz, bore prominent parts. It was stated, that in the transportation of animals from the west to eastern markets, about six per cent. of cattle and nine of sheep and swine, nearly 600,000 in all, die annually on the passage, and a large portion of these are sold in those markets either as meat or rendered into cooking lard; while the cattle that get through alive, for want of water, and by reason of the cruelty inflicted upon them, often losing on the average in transportation, nearly a hundred pounds each in weight, come out so diseased as often to be unfit for food, and that the eating of these meats produces disease in those who eat them. The remedy for this, and it is of equal interest to the western producer and dealer, and eastern buyer and consumer, lies in improved methods and practices for transportation. The opinion was expressed, that all animals can be transported on cars properly

constructed with the same speed as men, and the saving in their value will more than pay for their rapid transportation.

The proper keeping and merciful killing of animals, as also the humane education of children upon this subject, were also treated of.

In reference to this latter subject, Mr. Angell said: "I believe that in our public schools, it is quite as possible to develop the heart as the intellect, and that when this is required and done, we shall not only have higher protection for dumb creatures, and so increased length of human life, but also human life better developed and protected, and better worth living."

A report from the health department, and also one from that on finances, and a general discussion on financial questions completed the work of the day.

On the 22d, the last day of the session, a report of the General Secretary, F. B. Sanborn, on "The Work of Social Science, in the United States," in which Mr. Sanborn indicated "Some of the main features and later manifestations of American Social Science." Both he and Mr. Curtis confessed it doubtful if any one could concisely define this science, yet said Mr. Curtis "the aims of the society are very practical. It seeks to build a platform upon which an honest and able inquiry can be conducted as to the best methods of advancing in every way the great interests of society "to gather to a focus the solitary rays of light omitted by single thinkers" on the great problems of social life, as economy of trade and finance, sanitary questions, pauperism, crime, the progress of education, amendment of laws," and many other themes, and by this condensation, throw a wider and stronger illumination upon the progress of human life. Mr. Sanborn said "whatever concerns mankind in their social rather in their individual relations" belongs to this science. That "there was much social science work to be done." "That" it was multifarious, endless, like woman's work of which the saying runs,

"Man's work lasts from sun to sun,

"But woman's work is never done."

"Much of it is woman's work, and is getting done by them more and more — many of whom would be surprised, as also men, if you told them they were promoting social science." As examples of woman's participation, he quoted the formation of training schools

for nurses in New York, Boston, Philadelphia and New Haven, during the year 1873. The improved instruction of deaf mutes by means of articulation, by which method more than 500 pupils were being benefitted, the founding of establishments for the prevention and relief of pauperism and the movement to give full occupation to the aspirations and capacities of women.

The collection of statistics, improvement in the methods of taking our national census and the "diffusion of useful knowledge" in our form, by preparing and disseminating publications containing summaries of what seems to be known beyond dispute in the domain of natural, mental and moral science, as ventilation, food, health, habitations. The conferences of the different Boards of State Charities under different names, but having the same interest, State and City Boards of Health, National and State Prison Associations were summoned, in the hope of bringing together and uniting more closely for research and practical administration these organizations which exist for similar purposes, and are all doing social science work.

There are branch associations in Philadelphia, New Haven, Detroit, San Francisco, Wisconsin, Iowa, Texas, and others forming in other states.

Papers were read by Dr. Stephen Smith, of New York, on the powers and duties of city boards of health; by Dr. Elisha Harris, on Vital Registration and the use of Vital Statistics, both of which were of great interest and practical in their suggestions as to the measures competent to bring about the most desirable results; an address by Cephus Barnard, and a very important and interesting paper from the department of social economy, entitled "Pauperism in the City of New York."

The paramount importance of a true estimate of the evils and dangers of the rapid increase of pauperism to large cities, and also to the whole people of our country, the fearful proportions which it assumed during the past winter in New York and other large eastern cities, as well as in Chicago and some other western towns, and the different measures adopted to arrest and relieve it, and the varying success or failure that resulted from them, were forcibly and briefly treated in the paper, and afterwards equally well presented in different aspects by speakers in the discussion which followed. Dr. John Hall, the distinguished divine, who had been actively engaged in the efforts to relieve the poor of New York last

winter, made some statements confirming those of the paper, that the "indiscriminate charity of soup houses, free dormitories, and much of the other "machinery" of public alms giving are pauperizing in their influence, and as a rule have a tendency to perpetuate the evil they seek to remedy or relieve."

"For the Prevention of Pauperism," it was laid down as an axiom, that "relief should be as much as possible, connected with labor; that a worse evil to the poor than poverty, is the spirit of pauperism." Among charities these are not necessarily the most useful which supply most directly the bodily wants of the needy. The first duty of a community like the American is, not to feed the hungry and clothe the naked, but to prevent people from being hungry and naked. Educational and preventive charities are those which most truly and permanently benefit the country, the almsgiving charities should only be resorted to in dire necessity.

This paper seemed so important a one, that a resolution was passed that it be printed as a pamphlet, in a form so cheap as to permit its being widely circulated.

Dr. Gallaundet, of Washington, read a paper on the National Deaf Mute College.

Mr. Z. R. Brockway, of Detroit, one on the Reformation of Prisoners.

Pres. Andrew D. White, of Cornell University, one on The Relation of National and State Governments to Advanced Education, which elicited spirited discussion by Dr. McCosh, of Princeton, and others.

A paper by Wm. W. Greeneugh, of Boston, on Public Libraries, completed this meeting of the Association.

A branch of this Association, of which Dr. J. W. Hoyt is President, exists in Wisconsin. This society is doing a good work, and deserves the patronage and encouragement our people can well afford to bestow.

CONFERENCE OF STATE BOARDS OF CHARITIES.

On the 2d day of the session, a Conference of Boards of Public Charities was held in the pleasant parlors of the same Association Hall, at 10 A. M. Hon. John V. L. Pruyn, President of the N. Y. Board, was chosen Chairman, and F. B. Sanborn, Secretary of the Massachusetts Board, Secretary.

The first subject considered was "the duty of states toward their

insane poor." A short but interesting paper upon this subject was read by Dr. J. B. Chapin, of the Willard Asylum, for this class in Obid, N. Y. After touching upon the duty of states to provide for their insane, because the safety of the community requires their restraint, and to see to it that it is humanely and properly exercised, and that existing institutions were a recognition of these obligations; Dr. Chapin said "if we examine the history of the early efforts to establish each one of these institutions, we will find they had their origin in the hope of improving the conditions of the insane *poor*; that these efforts have been materially aided by memorials, petitions, and official reports representing the neglected conditions of the insane in jails and alms-houses, and that the favorable action of legislatures has seemed to be the direct result of these representations."

Recognizing the fact that the sentiment of a community, conforms itself to its written statutes, it is of the first importance that the state in its sovereign capacity, should clearly define the legal status of an insane dependent. It should *not* be discretionary with a public officer, before whom a case is presented for action, to send an insane person to an asylum, or to an alms-house and jail. With such formalities as may be deemed requisite, there should be no discretion in this case; but the public officer should in unmistakable language, be required by the statute to order the transfer of the insane dependent to a public asylum established and managed upon approved principles. The insane poor should be removed as far as possible while there, in all that pertains to their daily surroundings and maintenance, from the various baneful influences of political changes and mercenary economy, which sometimes afflicts localities." In reference to the disposition of recent cases with whom the hope of restoration mainly lies, no question can occur. There should be ample asylum accommodation prepared for their prompt treatment. The only question that we think can possibly arise, is the proper disposition of the chronic and incurable cases. It is our opinion that the discharge of incurables from the asylums should cease. We believe it is entirely possible to attach to all the asylums supplemental departments, in which the tranquil and manageable cases can be made more comfortable than under an alms-house organization; and on plans acceptable to tax-payers. We believe great concessions may be made in the plans, style of architecture, and cost of construction of asylums, so that additional

structures will be entered upon with less reluctance. It is not necessary that these structures should be built to endure for ages. It is quite possible and probable that the changes of a single generation may cause a departure from present plans to be highly desirable. In those states where the expense of maintenance of the insane is a direct charge upon the counties or towns, there is a manifest reluctance, except in extreme cases, to transfer them to the state asylums, where the views as to their requirements differ, and the expense is greater than in the county poor houses. We do not believe the differences which prevail on this point can be reconciled except by positive legislation."

We have quoted thus largely from this paper, because the views expressed, and the facts from which they are formed, correspond so nearly with those formed by our own Board, from our observations of the conditions of the same class in this state. The condition of the insane in our jails and poorhouses is in many instances so deplorable, and the attempts of humane persons in endeavoring to improve it, have proven so powerless against ignorant prejudice and political combinations and influence, that we feel compelled to protest earnestly against the system of placing insane paupers under the care of the unskilled and, too often, unworthy persons who, through political or corrupt favoriteism, are placed in charge of county institutions. The remarks and discussions which followed the reading of this paper, drew out some facts in regard to recent legislation in Pennsylvania, and a copy of an act passed by the legislature in 1873, giving the Board of Charities in that state power to transfer the insane poor, who are found neglected or abused in almshouses and prisons, to the state hospitals and asylums. Substantially the same powers and duties were imposed on the Massachusetts Board by a law of 1864. New York has, in the Willard Asylum, made ample provision for the pauper insane, which has over 800 patients, chiefly chronic. Connecticut, too, in the asylum at Middletown, has made a similar provision, and we trust Wisconsin will soon manifest her consideration for her dependent insane by some adequate measure for their proper care.

There was an almost unanimous assent to the views expressed in Dr. Chapin's paper upon the style and cost of buildings for the poor, both the sane and insane, and a committee of five was appointed to consider and report upon "Buildings for the Indoor Poor." A committee of five was also, during another part of the

conference, appointed to consider and report upon the condition of destitute and delinquent children, and the prevention of pauperism, of both which Mrs. Lynde was appointed a member.

At the 2d meeting of this conference, the topic under consideration was, "The laws of pauper settlement," and "The best mode of administering poor law relief." The Secretary submitted a paper from the department of jurisprudence, on the "The Settlement Law of Massachusetts." This contained provisions very salutary, both for the commonwealth in which they exist, and also in some points well suited for our own state, with its present imperfect system, or no system in this respect, to the political status of paupers, as well as methods of administering relief. At this meeting there was held a conference of boards of health and boards of public charities, Dr. Stephen Smith, President of the New York Board of Health, occupying the chair. A discussion on boards of health following, a paper on their "proper duties," by the Chairman, was participated in by Dr. Bowditch, Chairman of the Massachusetts State Board of Health, Dr. Hoyt of Albany, Dr. Elisha Harris of New York, and other eminent men from Massachusetts, New Jersey, Pennsylvania and Maryland, which developed the great advantages such boards were to cities, and also more to states, in all questions relating to the social and physical well-being of the people; as the warding off or restriction of contagious diseases, regulating commerce and emigration, so as to prevent the admittance of exotic pestilence, either in cargo or passengers; directing and supervising sewerage, abatement of nuisances against public health, as well as public decency; the proper regulation of trades causing sickness; to protect the health of operatives, and the dwellers in neighborhoods subject to deleterious influences, either from manufactures or other causes; in fine, to study all the influences which affect the health of the public and the individual, and tend to invalid him or shorten his life, grouping these duties as follows: 1st. Drainage. 2d. Food supply. 3d. Water supply. Dr. Bowditch urges the importance of state boards of health, as a matter of political economy, as the cheapest method of preserving the health of peoples, and as conservers of public morals, and should be composed of members representing varieties of professions and business interests, and it was urged upon the Conference that its members use their influence and best endeavors toward the formation of such boards in each of the states they represented.

On the first day of the Conference, a committee was appointed, consisting of Mr. Sanborn, of Mass. Board, Mr. Giles, of Wis., and Mr. Letchworth, of N. Y., to report a plan for the Uniformity of Statistics of Pauperism, and Crime, and for a better Co-operation among the Boards of Charities of the United States. This committee made a preliminary report at the second session, to the effect "that it was desirable to have statistics made as completely as possible upon a uniform plan, and asked for further time to prepare forms for the use of different boards." This committee have met since the Conference, considered a form of questions, and some suggestions relating thereto prepared by Dr. Elisha Harris, and reported in part, at a Special Conference of Secretaries of State Boards of Charities held in N. Y. This report was accepted, the forms of questions there proposed was adopted by the boards represented, and some of these forms have been sent to Superintendents of public institutions and to poor houses in this state, and their returns are submitted as sufficient to show the intention, and also methods for securing information considered very desirable for practical purposes.

The paper of Dr. Elisha Harris, on the subject of Vital Registration and Uses of Vital Statistics, presented at this session and ably discussed by him and other gentlemen of wide experience and information, contains so many suggestions of value, and shows so clearly the importance of such legislation to the general public, as also to individual interests, and it was so concise as to render any abstract or condensed report impossible, that it deserves publication in full, but its length forbids. As it will appear in the published transactions of the Conference, we invite special attention to it.

In concluding our report of this meeting and conference to which we were sent as delegates from this state board, we take great pleasure in saying that we believe they have proven "means of education" of value for our work of supervising and directing the public charities, penal and reformatory institutions of the state. It has brought us in communication with advanced thinkers and masters, leaders in many of the reforms and improved systems of the age in regard to the management and conduct of public institutions, and classes of dependents, and we trust will enable us to devise more intelligently and act more judiciously in all we do for the best interest of our own. It has, we believe, also brought our own new

state into no unfavorable contrast in its provisions for these, its dependent wards, with the older members of the Union, and we hope will help to keep step with them in the march of substantial progress.

H. H. GILES,
MRS. W. P. LYNDE.

COMMITTEES OF THE NEW YORK MEETING OF BOARDS OF PUBLIC CHARITY.

At the meetings held in New York, which were attended by Mrs. Lynde and Mr. Giles, on behalf of our board, Mrs. Lynde was appointed on a committee on "Destitute and Delinquent Children," and also on a committee to report on state buildings for the defective in-door poor classes. Mr. Giles was appointed on a committee on "Uniformity of Statistics of Pauperism and Crime," and for "Better Co-operation among the Boards of Public Charities."

The last named committee considered the subject referred to them until the 9th of September, when they reported, in part, at a Special Conference of Secretaries of State Boards of Charities, held in New York. This report was accepted, the forms of questions therein proposed were adopted by the boards represented, and some have been sent to superintendents of public institutions and poor-houses in this state.

The report of the latter committee is submitted, and is sufficient to show the design and plans of securing information very desirable for practical purposes, relative to the subject of pauperism.

The following is the

REPORT OF THE COMMITTEE

The undersigned, a committee appointed at the New York Conference of Boards of Charities in May last, to consider and report a plan for uniformity of statistics of pauperism and crime, and for better co-operation among the Boards of Public Charities, have attended to that duty, and would report in part as follows:

I.—THE EXISTING BOARDS OF PUBLIC CHARITIES.

It appears that there are at present in the United States nine

state boards or commissions charged with the general oversight of charitable work in the states where they exist. These boards, named in the order of seniority, are:

1. The Massachusetts Board of State Charities, established in 1863.
2. The New York State Board of Charities, established in 1867.
3. The Rhode Island Board of State Charities and Corrections, established in 1869.
4. The Pennsylvania Board of Commissioners of Public Charities, established in 1869.
5. The Illinois Board of State Commissioners of Public Charities, established in 1869.
6. The Wisconsin State Board of Charities and Reform, established in 1871.
7. The Michigan Board of State Commissioners for the supervision of the Penal, Pauper and Reformatory Institutions, established in 1871.
8. The Connecticut State Board of Charities, established in 1873.
9. The Kansas Board of Commissioners of Public Institutions, established in 1873.

The present officers and members of these boards are as follows:

1.—MASSACHUSETTS (Term of Office Five Years.)

Dr. Samuel G. Howe, Boston, *Chairman*; Edward Earle, Worcester; Nathan Allen, Lowell; Moses Kimball, Boston; F. B. Sanford, Concord; S. C. Wrightington, Fall River, *General Agent*; Sidney Andrews, Boston, *Secretary*.

2.—NEW YORK (Term of Office Eight Years.)

John V. L. Pruyn, Albany, *President*; William P. Letchworth, Buffalo, *Vice-President*; James A. Degrauw, Brooklyn; Nathan Bishop, 11 E. 24th St., New York; Howard Potter, New York; Benjamin B. Sherman, New York; Harvey G. Eastman, Poughkeepsie; Samuel F. Miller, Franklin, Delaware county; Edward W. Foster, Potsdam, St. Lawrence county; Martin B. Anderson, Rochester; Theodore W. Dwight, Clinton, Oneida county.

Ex-Officio Members—The Lieutenant Governor, Secretary of State, Comptroller and Attorney General; Dr. Charles S. Hoyt, Albany, *Secretary*.

3.—RHODE ISLAND (Term of Office Six Years.)

George I. Chase, Providence, *Chairman*; William W. Chapin,

Providence, *Secretary*; Horace Babcock, Westerly; Samuel W. Church, Bristol; Thomas Coggeshall, Newport; William Hopkins, Providence; John Kenyon, Providence.

Superintendent of State Charities and Correction—George W. Wightman, Providence.

4.—PENNSYLVANIA (Term of Office Eight Years.)

George L. Harrison, Philadelphia, *Chairman*; G. Dawson Coleman, Lebanon county; Hiester Clymer, Berks county; William Bakewell, Pittsburg; A. C. Noyes, Clinton county; George Bullock, Montgomery county; Francis Wells, Philadelphia; Diller Luther, M. D., Reading, *Secretary*.

5.—ILLINOIS (Term of Office Five Years.)

S. M. Church, Rockford, Illinois, *President*; G. S. Robinson, Sycamore; J. C. Corbus, Mendota; Z. B. Lawson, Chesterfield; J. N. McCord, Vandalia; Rev. F. H. Wines, Springfield, Illinois, *Secretary*.

6.—WISCONSIN (Term of Office Five Years.)

Hiram H. Giles, Madison, *President*; E. E. Chapin, Columbus; *Vice-President*; Andrew E. Elmore, Fort Howard; W. W. Reed, Jefferson; Mary E. B. Lynde, Milwaukee; A. C. Parkinson, Madison, *Secretary*.

7.—MICHIGAN (Term of Office Six Years.)

Charles I. Walker, Detroit, *Chairman*; Henry W. Lord, Pontiac; William B. Williams, Allegan; Charles M. Croswell, Adrian, *Secretary*.

8.—CONNECTICUT (Term of Office Five Years.)

Benjamin Stark, New London, *Chairman*; Samuel F. Jones, Hartford; Dr. Levi Ives, New Haven; Mrs. George A. Hoyt, Stamford; Mrs. Marriette R. Pettee,¹ West Meriden, *Secretary*.

9.—KANSAS (Term of Office One Year.)

C. S. Brodbent, Wellington, *Chairman*; Charles Puffer.

II.—THE FORMS FOR STATISTICAL INQUIRY.

It is proposed that all these boards shall unite in answering the following questions in their next published reports.

¹ Resigned July, 1874.

*Inquiries to be Answered in the Annual Reports of the Boards
of Public Charities.*

[Beginning with the reports for the year 1874, now in preparation.]

I.—THE POWERS AND DUTIES OF THE BOARDS THEMSELVES.

1. When was your board established by law, of how many members does it consist, and what are its *general* powers and duties?
2. What special powers have since been conferred upon it, and which of its powers has it actually exercised?
3. What ³duties does it *now* perform, and in what precise method?
 - A. *Of Supervision.* (Name all the establishments which it oversees, and state what powers it has towards these establishments.)
 - B. *Of Administration.* (State whether it can transfer or discharge inmates, appoint or remove officers, control purchases, appropriations or any of the details of the management of a public establishment; *also*, state whether your board has any control or regulation of immigration into the state, or of the removal of paupers or other dependents out of the state, or from one locality to another within the state; whether it has any judicial powers or control over the architecture of new public buildings.)
 - C. *Of Recommendation.* (State whether your board possesses and exercises the power of recommending changes in the laws or regulations affecting the public dependents; and what means it has for carrying those recommendations into effect.)
 - D. *Of Statistical Inquiry and Report.* (State what these powers are and how they have *actually* been exercised, if at all.)
4. What concurrent, conflicting or controlling boards or authorities exist in your state, which can and do further, impede or set aside the work of your board?

II.—THE NUMBER OF PUBLIC DEPENDENTS.

1. What was the *aggregate* and what the *average* number of public dependents in your state (whether under the oversight of your board or otherwise), for the year ending September 30 (or December 31), 1874?
 - (a.) The aggregate number.
 - (b.) The average number.

2. State the number in each class composing this aggregate number; namely,

A. *Paupers Fully Supported,*

In almshouses,

In lunatic hospitals or asylums,

In private families or otherwise.

B. *Persons Aided or Partially Supported,*

In their own families,

In hospitals, infirmaries and dispensaries,

In asylums, schools, reformatories, prisons or elsewhere.

C. *Paupers Removed or Transported.*

(This may include the care of vagrants, the burial of the dead [not otherwise chargeable], the return of immigrants or interlopers to their own proper place, etc.)

D. *Grand Aggregate of Paupers.*

Average of paupers.	Number at the beginning
and end of the year.	

E. *Insane Persons, viz.:*

Whole number in the state at a given date.

Whole number in hospitals and asylums. (State the number of these supported at *public* expense, either by the state, the counties, or the cities and towns.)

Whole number in almshouses and prisons,

Whole number in private families. (State whether supported at *public* or private cost.)

The *average* number in the above situations,

F. *Aggregate of the Insane.*

Average of the insane.

G. *Aggregate of pupils in public reformatories.*

Average of pupils in public reformatories.

(State how many of these are also included among paupers above mentioned.)

H. *Prisoners, viz.:*

Convicts in the state prisons. (Whole number and average.)

Convicts in houses of correction, district prisons and workhouses. (Whole number. Average.)

Convicts in jails and county prisons. (Whole number. Average.)

Persons waiting trial or sentence, or the execution of sentence. (Whole number. Average.)

(State how many of each of these classes are males, how many females; also, how many are likewise included in any of the previously-named classes.)

N. B.—*This is preliminary and essential to giving—*

3. *The grand total of all the public dependents* for the year (duplicates excluded), and the average number; also, the number at *two* given dates, which should be the same in all the reports, say the first of January and the first of July, in each year.

III.—THE COST OF PUBLIC CHARITY AND CORRECTION.

1. The *whole* net cost of full support for paupers.
 - A. In almshouse, etc. (as above).
2. The *whole* cost of aid and partial support,
 - B. In their own families. (This is “out-door relief,” strictly speaking.) In hospitals and dispensaries. In asylums, schools, etc. (as above).
3. The whole cost of vagrants, burials, transportation, etc. (as above).
4. *Grand total of pauper cost.*
5. Cost of the insane. (Specify how much of this is included in the pauper cost, and give the items by classes as above, under E.)
6. Cost of pupils in reformatories, etc. (Specify as in the case of the insane.)
7. Cost of prisoners, their support and all expenses, deducting their cash earnings. Specify how much of this is included above.)
8. The grand total of all the expenditure for public dependents, *excluding all duplication of cost*, and giving in the same connection the average number supported in each class, and the average net cost per week for each person.

IV.—THE PUBLIC PROVISION FOR BLIND, DEAF MUTE AND IDIOTIC PERSONS.

1. What is the whole number of blind persons in your state? Of deaf mutes? Of idiots?
2. How many of each class are at school, or in asylums where they are taught something, and how many of such establishments in your state?
3. What methods of instruction are employed? How many persons are subjected to each method, and at what cost annually? (State by whom this cost is paid; how much by the state, how much by counties and cities. etc., how much by individuals.)

V.—HOSPITAL PROVISION FOR THE SICK.

1. How many hospitals for the sick, special and general, in your state? How many patients can they receive at once; and how many did they receive in the year 1874?
2. How many of these were pauper hospitals, and have their cost included in the pauper expenditure?
3. How many are supported or aided by appropriation of public money, made by (a) the state, (b) the counties, (c) the cities or towns? What is the whole cost to the tax-payers?
4. What was the annual cost in the income of invested funds and endowments? What in receipts from the patients and their families?
5. The whole cost of hospitals and dispensaries. (Specify how much of this is also included in the pauper and prison expenditure.)

VI.—PRIVATE CHARITIES.

1. Estimate the sums expended in private charity in your state *by organized societies*, and the annual number of their beneficiaries, classifying the same as clearly as possible, and excluding *educational* charities, except for the benefit of the classes named above.

III.—REMARKS ON THE QUESTIONS.

It will be noticed that the above questions apply to each state in which a board of charities exists, and are intended to elicit such statements in the next reports of these boards as will present all the material facts of a general nature in regard to pauperism, insanity and crime, and their cost to the state for which the report is made. It is not expected that all the questions can be exactly answered, but it is hoped that where definite statistics cannot be given *for the whole state*, a careful estimate will be made, under each head, and, if possible, in reply to each question. Even in cases where, as in the state of New York, the board of charities divides with the commissioners of emigration, the lunacy commissioner, and the prison association, the supervision of charitable and penal establishments, it is hoped that the statistics of pauperism, insanity and crime for the whole state may be brought together in the report of the board of charities, after obtaining the needful information from the other state authorities. In Pennsylvania and Massachusetts, and perhaps in other states, the attempt is now

made, in the annual reports, to bring all these statistics together, so as to present an aggregate by means of which the condition of one state can be closely compared with that of another.

It will be further observed that no attempt has been made, in the above questions, to get at the statistics of the *causes* of pauperism and crime, as it was suggested in the first session of our committee might possibly be done. This work—a very delicate and difficult one—has been undertaken in the great state of New York, by the diligent and experienced secretary of the state board of charities, Dr. Hoyt, and is going on at this moment. When it shall have been so far completed that the first general abstract of results can be published, other states will have a guide, of much value, to aid them in a similar task. Until then, we would recommend the boards in other states to make use of Dr. Hoyt's questions, printed herewith, so far as may be found practicable where the legal and administrative machinery has not been so fully provided as seems to be the case in New York. It is understood that the form of questions suggested by Dr. Harris, and printed in the sixth number of the Journal of Social Science, had not received his final revision, and was, indeed, rather a brief for use in consultations concerning the investigation to be set on foot, than a completed plan. Using these and other suggestions, with the results of his own careful observations, Dr. Hoyt has drawn up his questions, which the New York board adopted as follows:

SCHEDULE.

For the record of dependents examined by the state board of charities and its local committees and agents, under and pursuant to the concurrent resolution of the senate and assembly, of May 27th and 29th, 1873. Each of these sheets is designed for the history of a single case. Examiners will be guided by the directions contained therein.

COUNTY POOR HOUSE.

Examination No.

I. NAME, SEX, AGE, SOCIAL CONDITION, COLOR, BIRTH-PLACE, ETC.

1. Name.
2. Sex, (Male, M. Female, F.)
3. Age at last birthday, — years. (If under 1 year state the months.)
4. Social condition, (single, married, widow, widower, divorced.)

5. Color, (white, black—if mixed, state degree.)
6. Birth-place, (state or country, —, County, —, Town, —, City, —.)

If born in a poor house or other public institution, state the fact.

If of foreign birth, how long in the U. S.?

How long in this state? At what port landed?

7. Birth-place of father, (state or country, —, county, —, Town, —, City, —.) (If born in a poor house or other public institution, state the fact.)
8. Birth-place of mother, (state or country, —, county, —, Town, —, city, —.) If born in a poor house or other public institution, state the fact.

II. LENGTH OF TIME A DEPENDENT.

9. At what age did this person first become dependent upon public charity?
10. What was the first mode of aid? (State whether by neighborhood, church, organized society, temporary relief by public officials, or full support in a poor house, or other public institution, the name of which should be given.)
11. If first aided outside of institutions, how long was this continued?
12. At what age did this person first become an inmate of a poor house? — years. (If under one year give the months.)
13. How long an inmate of this poor house? — years. (If less than one year give the months.)
14. Has this person been in other poor houses?
15. If so, how many?
16. How long has this person been an inmate of poor-houses? years. (If less than one year, give the months.)
17. Has this person been an inmate of any insane asylum, blind asylum, idiot asylum, deaf and dumb asylum or refuge? (If so, state which, and how long.)
18. Has this person been in jails, work-houses, penitentiaries or prisons, convicted of crime? (If so, state which, how long an inmate, and the nature of the offense.)

III. PERSONAL AND FAMILY HISTORY OF THE DEPENDENT.

19. Is this person of legitimate or illegitimate birth? (Write which.)

20. Is there consanguinity in the parents? (If so, write what degree.)
21. Can this person read and write?
22. Did this person receive a fair school education?
If not, why neglected?
23. Had this person habits of idleness?
Had this person habits of thrift and saving?
Was this person totally abstinent?
Was this person a moderate drinker?
Was this person a periodical drinker?
Was this person a constant drinker?
24. Had the father habits of idleness?
Had the father habits of thrift and saving?
Was the father temperate or intemperate? (Write which.)
25. Had the mother habits of idleness?
Had the mother habits of thrift and saving?
Was the mother temperate or intemperate? (Write which.)
26. Was the father immoral, sensual, or otherwise debased? (State facts.)
Was the mother immoral, sensual, or otherwise debased?
(State facts.)
27. Did this person receive moral and religious training in youth?
28. Did youthful habits of vagrancy and idleness exist? (State facts.)
29. Did this person have a fixed home, or lead a roving life before becoming dependent?
30. What trade did this person ever learn, or what occupation pursue?
31. Why was it abandoned?
32. What was the occupation of the father of this person?
If a wife, what was the occupation of the husband?
33. Was the father a pauper?
Was the mother a pauper?
Was the grandfather a pauper?
Was the grandmother a pauper.
Were any of the brothers of this person paupers?
Were any of the sisters of this person paupers?
Were any of the uncles of this person paupers?
Were any of the aunts of this person paupers?
(Where there are two more persons of the same family to be

examined, questions 24 to 39, inclusive, should be put to one member only.)

34. Total number of persons in the above group of families (three generations living and dead) known to have been dependent on public charity?
35. Total number in the same group (living and dead) known to have been self-supporting?
36. Total number of insane (living and dead) in the same group?
37. Total number of idiots (living and dead) in the same group?
38. Total number of inebriates (living and dead) in the same group?
39. Total number who have been in penitentiaries or state prisons (living or dead) in the group?

(Questions No. 40 and 41 should be put to the father only, if both parents are living and present; if not, then to the only living parent.)

40. If a parent, how many children has this person now living?
41. What is their condition; are they in poor-houses, asylums, hospitals, refuges, etc., or are they self-supporting? (Write the fact.)

IV.—EXISTING CAUSES OF DEPENDENCE.

42. Homeless childhood (illegitimate),
 - “ (abandoned),
 - “ (by death of father),
 - “ (by death of mother),
 - “ (by death of both parents),
 - “ (by pauperism of parents),
 - “ (by imprisonment of parents for crime.)
43. Homeless by abandonment of husband.
 - Homeless by death of husband.
44. Old age and destitution.
45. Permanent disabling disease (with the name of it.)
46. Temporary disabling disease or sickness (with the name of it.)
47. Crippled (how).
 - Deformed (how),
48. Loss or impairment of any of the five special senses. (State which, and how.)
49. Loss or impairment of any other natural faculty or bodily power. (Write what faculty or power, and how lost or impaired.)
50. Insanity? Idiocy?

Epilepsy? Paralysis?
7—C. & R.

(Doc. 15.)

51. General feebleness of the mind?

General feebleness of the body?

52. Impairment or degeneration of the bodily powers, or mental faculties, from inebriation? (State the facts.)

53. Is there proof of insanity, epilepsy, paralysis, special feebleness of mind or body, syphilis, or any other entailment of bodily or mental misfortune from parentage in this person's history? (If so, note the fact.)

54. Is there mental or moral perversion, or morbid and debasing conditions of mind? (If so, state the fact and the causes to which attributed.)

55. Is this person capable of self-supporting labor without supervision?

56. Is this person capable of self-support under direction and supervision?

57. How is this person's time employed in this institution?

58. What is the chief cause of dependence in the case of this person, and what, if any, the remedies?

59. What appears to be the destiny of this person as respects recovery from the cause of dependence?

60. What family relatives of this generation, if any, have the pecuniary ability to suitably provide for, or take care of this person? (State facts and evidence.)

NOTE.—These Schedules should be numbered in the order of examination, and where there are two or more persons of the same family in any institution, they should be examined consecutively, commencing with the parents if present, if not with the oldest representative.

IV. GENERAL COÖPERATION IN CHARITABLE WORK.

It is hoped that the Boards of Public Charity enumerated above, and such others as may be from time to time established in the other states, will find it convenient, as it certainly would seem to be useful, to maintain a constant correspondence with each other, and to meet together for conference at least once a year. There can hardly be a too zealous coöperation between such Boards, having common interests, and an intelligent desire to improve the methods of charitable and penal administration throughout the country, since a bad system anywhere in use affects, more or less directly all those states which may have a better system. A good example of such coöperation among the officials of a single state (larger, to be sure, than all New England), is to be found in the

Annual Convention of the County Superintendents of the Poor in New York, which, for the present year was held at Rochester on the 9th of June. Thirty-four of the counties were represented on that occasion, by more than fifty delegates; and there were also present three members of the State Board of Charities, and the Secretary of the New York Prison Association. The new legislation and the recent administrative experience of the whole state, in regard to pauperism, were there ably discussed, and the published proceedings are of value to students of Social Science, all over the land. If what is here done in a single state could be done in all the states, great advantage would result. Even if this is not possible, for years to come, it will be possible to bring together the fifty or sixty persons who serve on the State Boards of Charities, for a yearly conference and comparison of methods and results. The undersigned, having been empowered to do so, have invited a conference of the Secretaries of these Boards in the city of New York to-day, and propose to call a general meeting of all the members of Boards at some convenient time and place next year.

Respectfully submitted,

F. B. SANBORN, of Massachusetts,
 WILLIAM P. LETCHWORTH, of New York,
 H. H. GILES, of Wisconsin.

NEW YORK, September 9, 1874.

CHAPTER FOURTH.

POOR-HOUSES.

The Board has sought, during the year, to visit all of the poor-houses of the state. Other matters, which could not be deferred, have rendered it impossible for us to reach all of them. We have, in no instance, failed to visit those that required special attention. Our visitations, however, have not been confined to those poor-houses which were previously reported in a bad condition; but we have reached in our visits many that are well kept and well appointed. Our visits, being of this general character, have enabled us to give credit where it belongs, and apply censure where it is due.

The number of county poor-houses in the state is less than thirty. Some of the counties "farm out" their poor; others hire them taken care of in the poor-house of an adjoining county; some have no provision whatever, but most of the counties still adhere to the town system of providing for the poor.

We are pleased at being able to report very gratifying improvement in the condition of the poor-houses of the state within the past few years.

There are but few poor-houses to which this general remark will not apply.

The

ADAMS COUNTY POOR-HOUSE

Was established by vote of the board of supervisors, in the year 1871. At that time Mr. R. B. Rose was chosen overseer, and has since held the position. During the past year the poor-house has supported 24 persons in all. The average number supported was 21. Among this number were five insane and three children under ten years of age.

The entire expense of the poor-house, during the year, including salaries, was \$3,200.69. The Overseer received \$400 salary, and the further sum of \$328.06 was paid for help. The overseer reports the whole amount expended for subsistence to be \$638.63, and the entire average cost per inmate \$152.35. A farm of 216 acres, valued at \$2,160, without the buildings, is connected with the poor-house. The whole establishment, including land, buildings, live stock and personal property, is valued at \$5,110.

Location Davis' Corners.

The old

BROWN COUNTY POOR-HOUSE,

Is soon to be replaced by a neat and commodious building. We are gratified at this, as the old building was a badly dilapidated concern, and its displacement comes none too soon. At our visit in July, the Overseer was away, but our complaints of the unclean condition in which we found the house were left with the resident member of the of board for communication to the proper authorities. By the erection of the new building, we doubt not, there will be little cause of complaint. The authorities in charge have hitherto done well with the poor facilities afforded by the old building. Mr. Wm. Rowbotham, the former Overseer, has recently retired, Mr. John Van Den Hemels having been placed in charge.

The total number in the poor-house during the year was 97, while the average number is reported to be 33. The salary of the Overseer is \$600, and no additional amount is allowed for help. The Overseer reports the entire average cost per *capita* to be 32½ cents per day.

Eighteen children under 10 years of age and one insane person are reported.

The location of this poor-house is near Green Bay.

The

COLUMBIA COUNTY POOR-HOUSE

Continues to hold its rank among the very best managed institutions of the kind in the state; for which much credit is due the Superintendents of the Poor, the Overseer, Mr. Hugh Hill, and the Matron, Mrs. Hill. Columbia county has made liberal expenditures for the support of its poor, and the funds appropriated for this purpose have been carefully and judiciously expended.

The total number supported in this poor-house during the year was 57; average number, 40. The entire expense, including salaries, was \$4,364.20. The Steward or Overseer, is paid \$530, and \$300 is paid for other help, and \$150 to the Chairman of the Board of Superintendents, the Hon. H. W. Roblier. Cost of subsistence during the year, \$1,660.76; or an average cost *per capita* of nearly 80 cents per week. There are 41 acres of land connected with the poor-house, valued at \$500; building, \$6,500, and the whole establishment is valued at \$8,800.

At the time of our visit, the house contained seven insane women and two men, whose condition was so bad as to render it necessary to confine them; besides these, there were three other insane women who were not kept confined. Six children under ten years of age were among the inmates of this poor-house. Location, Wycena.

CRAWFORD COUNTY.

The poor of this county continue to be cared for in the city poor-house at Prairie du Chien. Number of inmates at the beginning of the year, 5; at the close of the year, 7; average number during the year, six. The entire expense of the poor house for the year ending May 1, 1874, was \$1,456.22. The amount paid for subsistence was \$1,000. Connected with the house are five acres of land, valued at \$200; buildings are valued at \$1,651.24.

Of the whole number in the poor-house, six are returned as males—drunkards.

The Overseer is Mr. William Brew.

DANE COUNTY POOR-HOUSE.

The number of inmates at the beginning of the year was 51; total number supported, 83; average number, 56. Of these, 18 are insane—many of them bad cases. Dane county has made many praiseworthy improvements in and about the poor-farm within the past few years. Two defects remain uncorrected: Lack of proper facilities for the separation of the sexes; and want of proper drainage.

As a result of the first of these defects, two illegitimate children were born at the house during the year. While the arrangement for the separation of the sexes here is much better than in some of the poor-houses, yet it is still so imperfect as to render possible

the criminal association of the sexes, despite the vigilance of the officers.

We are assured that steps will soon be taken to secure proper drainage from the slough at the east of the building, where all of the waste material, slops, etc., are deposited. At our visit, in July, this slough was a reservoir of filth. No serious damage from it has occurred as yet, but if allowed to remain without the needed drainage, there is great danger to the health of the inmates and those in charge.

The entire expense of the poor-house for the year was \$6,140.83. Salary of Overseer \$800, and about \$850 was paid in addition for help. The cost *per capita*, for all expenses, is reported to be \$110 per year. There is connected with the house 300 acres of land, of which only 153 acres are tillable. The land is estimated at \$5,000; buildings, \$12,000; whole establishment, \$22,200.

Mr. E. P. Titus, aided by his estimable wife, are still in charge as Overseer and Matron. Both are untiring in their efforts to promote the best interests of the inmates and of the county.

The location of this poor-house is at Verona.

DODGE COUNTY POOR-HOUSE

Report has failed to reach us at the date of this report. At the beginning of the year there were 55 inmates in the house.

This poor-house is located near the village of Juneau, and is in charge of A. B. Hitchcock.

FOND DU LAC COUNTY POOR-HOUSE.

This poor house was visited by the board September 24th. It being the last day of the county fair, the Overseer and his wife were taking a holiday, and everything in and about the building showed a neglect of proper care and supervision. The rooms occupied by the paupers were filthy, and the whole building was pervaded by a bad odor.

In an interview with the Overseer and his wife before leaving the city, it was agreed that another visit should be made before making our report, and such visit was made on the 6th of October, when a decided improvement was found in and around the buildings, in their general cleanliness, and freedom from some of the foul odors found when there before. The manure that had been accumulating

all summer near the door of the insane department was being hauled away, and some benches and chairs had been placed in the pens where the insane were sometimes put. We found the house crowded, some small rooms having two old men in each, while the largest up stairs room in the building was occupied as a storage room for oats and corn. The whole appearance of the farm and buildings look shiftless, and the absence of fences around barnyard, garden and house were very noticeable. The wife of the keeper had to do with her own hands the most of the washing, and there were old men who needed more care than it was possible to bestow upon them with the limited assistance furnished by the county Board of Supervisors. It is due to Mr. Willcox and his wife, who are in charge of the institution, to say that they manifested every desire to make the improvements which we suggested. They are kind hearted and industrious people.

The average number of inmates during the year was 30 1-3; total number supported, 59; 8 children under ten years of age, and 7 insane.

The entire expense of the poor-house was 1,550.56 for ten months. Salary of keeper and wife, \$700, and the sum of \$538.94 for other help. The entire cost of subsistence during the year was \$1,812.49; average cost for subsistence per inmate per week \$1.16. The farm connected with the house contains 176 acres, and is valued at \$9,675; buildings, \$2,675; value of the whole establishment is \$15,990.

Location, Fond du Lac.

GRANT COUNTY POOR-HOUSE.

The number of inmates in this poor-house at the beginning of the year was 26; total supported during the year 40; average number 29; two children under 10 years of age, and 7 insane.

Total expense of the poor-house \$2,293. The keeper is allowed \$1.60 a week for each inmate supported, and the rent of the farm free. The additional sum of \$448 was paid for help during the past year. The total cost of subsistence was \$1,189. There is a farm of 220 acres connected with the house, valued at \$10,000; value of the buildings \$11,000. The machinery, live stock, etc., are the private property of the keeper.

The location of the poor-house is near the village of Lancaster. The present Overseer is R. B. Showalter.

GREEN COUNTY POOR-HOUSE.

This poor-house was visited Oct. 9th, and was found generally in good condition. The inmates are kindly treated and well cared for by the Overseer, Mr. G. B. Bennett.

The surroundings have been much improved since our last visit. The piggery has been removed, the barn and barnyard have been located away from the front of the dwelling, and the old house has disappeared and a new and neat dwelling for the Overseer erected at an expense to the county of \$2,100, besides the labor of the help on the place. Separate privies and wash rooms for the sexes have been provided, a new picket fence, handsomely painted, has been built around a large yard. The sewer was found to be the only thing complained of in our previous reports, not corrected, but we were assured that the Superintendents were exerting themselves to procure the necessary drainage tile to extend the sewer to the ravine northwest of the house.

We congratulate the citizens of the county on the improved condition of things in and around the poor-house. With some further changes to enable the Overseer to maintain a more complete separation of the sexes and a separation of the insane from the sane paupers, Green county will have one of the best arranged and best conducted poor-houses in the state.

There were 35 inmates in this poor-house at the beginning of the year; average number supported, 44½. Entire expense of the house for the year, \$3,249.70. Salary of Overseer, \$600; for additional help, \$600. Cost of subsistence for each inmate per week, 98 cents, over and above products of the farm. There are 408 acres of land connected with the poor-house, valued at \$5,200. Buildings, \$5,000. Whole establishment, \$14,731.50.

IOWA COUNTY POOR-HOUSE

Contained 26 inmates at the beginning of the year, and reports a total supported during the year, of 49; average number, 31; insane, 7; and number under 10 years of age, 2. Entire expenses of the poor-house, \$2,841.77. Salary of Overseer, \$900—no additional amount for help. Average cost for each inmate per year, \$91.60. The poor farm of 180 acres is valued at, \$3,500. Buildings, \$4,000. Whole establishment, \$10,062.20. This poor-house is in charge of Mr. M. F. Rewey, the able and efficient Overseer.

Much of the expense of this poor-house, during the year, has been incurred in making permanent improvements, such as a division of the yard for a more perfect separation of the sexes; an out-house and an additional privy. All of the buildings have been neatly painted, adding much to their appearance and durability. Other improvements, as planting of shade trees, building of fences, etc., have also been made. We congratulate the county of Iowa upon its improved facilities for the better care of its unfortunate poor.

JEFFERSON COUNTY POOR-HOUSE.

Our visit to Jefferson county poor house was made October 12th, and although, as at our first visit in 1871, we "dropped in" unexpectedly, everything was found in good condition. The whole number of inmates was, at that time, 63, of which 31 were insane, and eight children under 15 years of age.

This poor house shows what can be done by the county authorities in improving the condition of the dependent and defective classes, by the exercise of a liberal spirit. The buildings have been enlarged and improved so that ample room is now provided for all classes that make it home. The insane department is now of ample dimensions to make two separate wards for the lunatics, and we would recommend that the authorities try the experiment of placing a male and female attendant in charge of the sexes, and we believe by so doing in a short time the women that tear off their clothing could be taught to keep clothed, sleep in beds instead of on loose straw, and remain in the hall or yard during the day time. It would doubtless be found necessary to provide *mufflers* for several to prevent their injuring each other or destroying their clothes.

The additional expense to the county by the employment of additional help would be more than made up in the increased comfort of all connected with the management of the house.

Mr. Volney Foster, the efficient and indefatigable Overseer for several years past, is still in charge of the institution. The number of inmates, at the beginning of the year, was 50; average number supported during the year was a fraction over 57. This poor house shows a much larger proportion of insane than any other in the state. Total expense of the poor house for the year was \$3,723.90, which includes a number of heavy permanent improvements; salary of overseer \$600, and \$600 for additional help; entire

average cost per inmate \$1.25 per week. An hundred acre farm, connected with the poor house, is valued at \$5,000; buildings, \$7,000; whole establishment, \$13,314.

KENOSHA COUNTY.

This county has no regular county poor-house. Its paupers are still cared for in the poor-house belonging to the city of Kenosha.

THE LAFAYETTE COUNTY POOR-HOUSE

Was visited on the 17th of August. We have nothing new to report in relation to this poor-house. It is still in charge of Capt. S. W. Osborne and his estimable wife. The county of La Fayette and the board of Supervisors are to be congratulated upon the selection of Overseer and Matron. We doubt whether their places could be filled. It is a matter of surprise to us that their services can be procured for so meager a compensation. We also doubt whether they can be induced to remain longer upon the salary allowed, \$600, but we are sure that the people of La Fayette county cannot afford to lose them, even if to keep them, the salary must be doubled.

The report of this poor-house shows the number of inmates at the beginning of the year to have been 28, but is defective in not returning the average number supported. There were six insane, and six under ten years of age.

Our visit in August was entirely unannounced, but everything in and about the building presented an appearance of cleanliness and thrift. There was an air of comfort about the whole institution.

La Fayette county owns by far the most expensive poor-house building in the state; however, we regret that in the original construction less expense was not incurred in the erection of the main building, and better provision made for barns and outhouses. This poor farm is badly deficient in proper barn facilities.

The Matron has sent us the following list of articles of diet furnished the inmates:

Sunday morning.—Some kind of meat, with potatoes, bread, hot griddle cakes, either buckwheat or corn meal, with syrup or butter, frequently both, and coffee.

Dinner.—Bean soup with bread, and baked rice pudding.

Supper.—Bread or corn meal pudding and milk, with gingerbread.

Monday morning.—Meat and potatoes, bread, hot griddle cakes, syrup or butter, and coffee.

Dinner.—Baked pork and beans, potatoes, bread, butter and some kind of pudding.

Supper.—As on all other nights of the week, bread, pudding and milk, except Friday nights, we have warm biscuit and butter, syrup, tea and ginger bread or doughnuts.

Tuesday—Breakfast as on other mornings, sometimes ham and eggs, sometimes fried pork, sometimes fresh meat, sometimes fish, etc.

Dinner.—Boiled beef, pork and vegetables, sometimes; pie twice every week; bread of course, at all meals.

Fridays.—Breakfast as other days.

Dinners.—Bean soup, baked pudding.

For the Sick—Tea always, and crackers, toast and other light things their appetite seems to require.

MARATHON COUNTY POOR-HOUSE.

This county abolished the county poor-system at the annual meeting of the board of supervisors in 1873. The paupers of the county are now supported by the several towns to which they belong.

MILWAUKEE COUNTY POOR-HOUSE.

This institution was visited twice during the year by the full board. It is the most extensive poor-house in the state, and, as such, is the most difficult to manage properly. At the time of our visit, the poor-house contained about forty insane, many of whom were in a most deplorable condition. The insane department, during the year, was in charge of Mr. and Mrs. Boogk. In our examination of this department, we found nothing to criticise unfavorably on the score of cleanliness, but much to approve.

At the time of our last visit, a number of prominent ladies of Milwaukee, on behalf of the Local Visiting Committee of Milwaukee County Charities and Correction, came before us with divers complaints against Mr. and Mrs. Boogk, charging them with great cruelty to the inmates of the insane department. We were asked by the committee of ladies to take action to ascertain the truth in the matter, with a view of correcting whatever abuse might

be found to exist. On the following day we visited the poor-house, took the statement of a number of witnesses and gathered such other evidence as we could, and convinced ourselves that Mrs. Boogk was not a suitable person to be in charge of an institution of the kind. There was no question but she was in the habit of becoming intoxicated, and during these times was rough and cruel in her treatment of the inmates. Other complaints we found sufficiently well sustained to convince us that the Boogks should be removed from the position they held. We visited the Superintendent of Poor, Mr. Byron Aberts, and advised this course of action. The Superintendent thought such a course should be followed, and said he would so advise the proper authorities.

Later, an investigation of these charges was had before the county board of supervisors, the result of which was to exonerate Mr. and Mrs. Boogk. Since then we have heard of other instances of mismanagement in this department, which if sustained by facts, ought to lead to the immediate removal of these parties from the position they hold.

The other departments of this poor-house give marks of great improvement since our visits in 1871 and 1872.

Through the change of officers, our regular statistical report from this institution has failed to reach us.

MONROE COUNTY POOR-HOUSE.

A report from this poor-house has failed to come to hand.

OZAUKEE COUNTY.

This county still continues the plan of letting out the support of the poor upon contract. The contractor for the past year has been Mr. Philip Dengel, who receives the sum of \$3.00 per week for keeping each inmate. The average number of paupers for the past year was nine, who were supported at an expense of about \$1,600:

PIERCE COUNTY POOR-HOUSE.

The poor house and farm of this county is let to a tenant, who receives what he can make out of the farm, and is allowed from \$1.50 to \$2.00 per week for the support of each pauper. The poor

farm contains 200 acres of land valued at \$2,000; buildings \$2,000; whole establishment \$4,200.

RACINE COUNTY POOR-HOUSE.

At the beginning of the year, the number of inmates was 14; average, number supported during the year 15; 4 insane. The Overseer receives a salary of \$400. The farm contains 120 acres of land valued at \$4,800; the buildings are valued at \$4,000. Whole establishment \$10,050: A very full statement relating to this poor house was made in our last report, and any further account in this connection is unnecessary. Location is Yorkville; Overseer is Mr. Thos. F. Shepard.

ROCK COUNTY POOR-HOUSE.

The total number supported in this poor house during the year, was 98, average number 58; of these 16 were under 10 years of age and 13 were insane. Salary of Overseer \$800, in addition to which the sum of \$650 was paid for help. The farm contains 199 acres valued at \$7,000; the buildings are estimated to be worth \$8,000; whole establishment about \$20,000.

SAUK COUNTY POOR-HOUSE

Has only been in operation two or three years. The number of inmates at the beginning of the year was 22; average number during the year, 25 3-4. Entire expense of the house was \$3,601.68; salary of Overseer, \$950; paid for other help, \$401.35. Cost of subsistence during the year, \$1,270.94. The average cost per capita for all expenses, was \$81.71.

There are 125 acres of land connected with the poor-house, valued at \$1,200; buildings, \$6,000; whole establishment, including live stock, personal effects, etc., \$8,771.

The number of insane was 10. The location is near Reedsburg.

ST. CROIX COUNTY POOR-HOUSE.

Reports an average number of paupers during the year of 12; total supported, 24; two insane, and five were children under ten years of age. The poor-house farm contains 200 acres—valued at \$4,000; buildings, \$3,000; whole establishment, \$9,450. The salary of the Overseer is \$600; paid for other help, \$450.

VERNON COUNTY POOR-HOUSE.

The average number of inmates in this poor-house during the year, was a fraction more than 24; total number supported was 31; number of insane, one; under ten years of age, six. The entire expense is reported to have been \$1,606.20. Entire cost per inmate, \$66.46 per year. Salary of Overseer, \$600, and nothing in addition for other help. There are 300 acres of land belonging to the poor-house, valued at \$4,200; buildings, \$2,700. Whole establishment, \$10,499.10.

WALWORTH COUNTY POOR-HOUSE

Reports an average number during the year of 48; entire expense of the poor-house was \$3,176.19; salary of Overseer, \$1,100. The entire cost per annum for each inmate was 66.17, or a weekly cost of \$1.27. The farm contains 160 acres, valued at \$6,400; the buildings are valued at \$13,450; and the entire property of the institution, \$25,277. The number of insane in this poor-house is 22; nearly one-half of the average number.

WAUKESHA COUNTY POOR-HOUSE,

Reports an average number of inmates during the year, of 36; total supported, 75. Of the number, 13 were insane and 14 were under 10 years of age. The entire expense of the institution was \$2,218. Overseer's salary \$1,000. \$100 in addition was paid for other help. Average cost per year for each inmate for subsistence was \$31.09; average cost for each inmate, including all expenses, \$61.62. Connected with this poor-house is a farm of 165 acres, valued at \$5,000; value of the buildings \$10,000; whole establishment \$20,000.

Mr. Geo. C. Pratt still remains in charge as the capable and trustworthy Overseer.

WAUPACA COUNTY POOR-HOUSE.

This poor-house has been in operation about two years. The Superintendent, Mr. William Masters, made the following report to the board of supervisors, of the operations of the institution for the year:

Inmates of the county house at commencement of present year	15
Admitted during present year.....	11
	<hr/>
Total.....	26
	<hr/>

Number discharged	7
Number of deaths	2
Inmates of county house at present	17
Total.....	<u>26</u>

Amount expended for provisions.....	\$1,307 20
Less supplies on hand.....	\$284 94
Cost for clothing, board, wood, lights, etc	1,062 26
Weeks board, 844.	
Cost per week, clothing, wood and light.....	1 26
Including Superintendent's salary	<u>2 21</u>

Cost for medical attendance.....	88 00
Cost of medicines.....	9 80
Expended building fence, stable repairs on building, walks, furniture and cistern.....	599 51
Superintendent's salary	800 00
Total amount expended	<u>\$3,799 51</u>

With reference to the county system, the Superintendent says:

“ It is the opinion of your Superintendent, that the condition of those who have been so unfortunate as to be obliged to ask support has been more comfortable than they could have been under the town system. A review of expenses for their support must convince the people that it is the most economical manner of supporting the poor. The expenses per week are greater than they would have been, had it not been for the fact that we were forced, on account of unfinished condition of building, to have them boarded at Mr. Walker's for over one month of the present year. In cultivating but a small portion of the farm, we have raised a large quantity of vegetables; but you will bear in mind that the physical condition of the poor has been such as to require much care instead of being able to cultivate much land. While it has been my constant care to make the expenses of the poor as small as possible, yet the difficulties of beginning a new system have been such as to increase expenses, and expenses which my successor will not have to incur. It is my opinion that the amount to be expended for the next year will fall far short of the current expenses for the present year.

“ In conclusion, permit me to congratulate the people of our county upon the general success of the experiment of a county poor farm, and return thanks for the assistance rendered me in my efforts to make this experiment a success, as well as kind treatment received from the members of the county board.”

WINNEBAGO COUNTY POOR-HOUSE

Was visited on the 15th of July. We are glad to be able to report much improvement in the general condition of this poor-house since our visit in 1873. The building is poorly adapted for the purposes of a poor-house. It lacks, sorely, suitable provisions for the separation of the sexes. The building was formerly a farm house, and of course, is wanting in many of the conveniences and accommodations of a model poor-house. Mr. Norman Blake and his wife were in charge of the institution, and both seemed to take great interest in their work. The statistical report of this poor-house has failed to reach us for some reason or other.

TABLE

Showing the whole number of persons in the various poor-houses of the state for the years 1870, 1871, 1872, 1873 and 1874; numbers Nov. 1, 1873 and 1874; number males and females; nativity; persons over 50 years of age; persons over 70; persons under 10.

COUNTIES.	WHOLE NUMBER.					No. Nov. 1, '73.	No. Nov. 1, '74.	Male.	Female.	Native.	Foreign.	Over 50 years.	Over 70 years.	Under 10 yrs.
	1870	1871	1872	1873	1874									
Adams	*..	*..	*..	13	24	11	17	6	11	14	3	12	6	3
Brown	60	81	68	91	97	30	96	66	30	18	79	28	9	18
Columbia	82	77	85	81	57	32	38	18	20	15	23	23	14	6
Dane	110	112	100	100	83	51	62	35	27	24	39	†	†	†
Dodge	70	86	101	109	109	55	...	...	...	...	...	...	...	...
Fond du Lac	58	62	49	61	59	34	26	15	11	11	15	22	12	8
Grant	23	27	35	26	40	27	25	16	9	17	8	23	6	2
Green	47	51	51	52	54	35	35	17	18	21	14	25	7	2
Iowa	32	52	*	44	49	29	23	15	8	2	21	32	8	2
Jefferson	53	56	60	60	58	50	57	28	29	30	27	16	5	7
La Fayette	13	14	20	15	28	20	28	29	9	11	17	16	5	6
Marathon	7	2	2	14	†	10	...	...	...	...	...	...	...	...
Milwaukee	265	155	185	229	†230	147	...	...	...	...	...	...	...	...
Monroe	8	*..	28	*..	†80	*	...	...	...	...	...	...	...	...
Ozaukee .....	...	7	7	*..	9	11	9	5	4	1	8	5	1	..
Pierce	18	...	13	13	10	8	4	2	2	3	1	1	...	...
Prairie du Chien city	*..	*..	*..	5	7	4	...	...	...	2	5	4	...	...
Racine	37	40	30	26	18	14	18	9	9	7	11	...	...	...
Rock	93	96	*..	82	98	62	56	38	18	38	18	30	11	16
Sauk	*..	*..	*..	80	32	21	...	20	12	20	12	18	8	..
St. Croix .....	...	...	11	22	24	16	12	10	2	3	9	9	4	5
Vernon	29	34	26	39	31	27	24	11	13	15	7	11	4	6
Walworth	62	62	60	58	48	48	...	24	24	19	28	...	...	...
Washington	35	38	39	37	†40	28	...	...	...	...	...	...	...	...
Waukesha	74	68	61	58	75	35	46	23	23	26	20	27	6	14
Waupaca	*..	*..	*..	†	27	17	...	12	15	20	7	11	8	5
Winnebago	55	57	54	70	†70	26	...	...	...	...	...	...	...	...
Total	1231	1172	1085	1335	1298	838	683	389	294	317	372	313	114	99

* No report.

† Number not given.

‡ Estimated.

TABLE.

Showing the number of Persons between 10 and 20 years of age in the various poor-houses; number bound out; number born in poor-house; number of illegitimate, insane, idiots, blind, deaf and dumb, and epileptics.

COUNTIES.	Between 10 and 20 years.	No. bound out.	No. born in poor house.	Illegitimate.	Insane.	Idiots.	Blind.	Deaf & Dumb.	Epileptics.
Adams.....	3	1	....	1	5	1	1	1	...
Brown	13	1	2	1	1	....	2	1	3
Columbia.....	4	....	1	2	16	2	2	....	3
Dane.....	4	....	2	8	18	10	4	1	1
Dodge .....	....	....	....	....	....	....	....	....	....
Fond du Lac.....	4	2	2	2	7	3	3	1	2
Grant	1	....	1	2	7	2	2	....	....
Green	12	9	1	9	7	2	....	1	2
Iowa	3	2	....	2	7	1	....	1	1
Jefferson	6	2	1	1	28	8	3	....	3
La Fayette.....	1	2	1	4	6	....	....	....	....
Marathon.....	....	....	....	....	....	....	....	....	....
Milwaukee .....	....	....	....	....	42	....	....	....	....
Monroe.....	....	....	....	....	....	....	....	....	....
Ozaukee.....	....	....	....	....	4	....	....	....	....
Pierce.....	2	....	....	....	....	....	....	....	1
Prairie du Chien City .....	....	....	....	....	....	....	....	....	....
Racine .....	....	....	....	....	4	1	....	....	1
Rock.....	10	2	3	....	13	2	3	....	6
Sauk	1	....	....	....	10	1	....	1	1
St. Croix	4	....	1	....	2	1	....	....	1
Vernon	4	2	....	....	1	9	2	....	1
Walworth .....	....	....	....	....	22	1	1	1	4
Washington .....	....	....	....	....	....	....	....	....	....
Waukesha.....	7	1	1	....	13	1	1	....	2
Waupaca.....	3	3	....	2	....	2	....	....	....
Winnebago.....	....	....	....	....	4	....	....	....	....
Total	78	27	16	34	217	42	24	8	32

CHAPTER FIFTH.

THE COUNTY JAILS.

In previous reports, we have given with considerable detail, a description of all the jails of the state. It is unnecessary for the purposes of this report, to repeat that work. Reports of the condition of the jails are on file in the office of this board and may be examined at any time by those who desire to obtain further information on this subject.

We are compelled, with rare exceptions, to pronounce our jails insecure against escape; unhealthy and demoralizing to the convicts; and expensive to the taxpayers. These general objections lie against the county jails of Wisconsin. There are some gratifying exceptions, however, to this general rule.

THEIR INSECURITY.

Many of our jails are so poorly constructed as to be utterly insecure, a fact attested by frequent escapes. And in most counties, but for the vigilance of jail officers, escapes would be of still more frequent occurrence. The plan of our jails, generally, is faulty, and on account of the facility of communication they afford the prisoners, or of access and approach to outside parties, they are unsafe as places of detention. They are unsafe in many respects—some in one particular; some in another. This insecurity entails the cost of otherwise unnecessary police force; the cost of recapture, to say nothing of the frequency with which it enables rogues to go “unwhipt of justice.”

DEFECTIVE SANITARY PROVISIONS.

Again, the great majority of those jails which possess the merit of security, seem to have been so constructed in reckless disregard of the moral and physical well-being of the prisoner. As such, they are frequently destitute of the most ordinary provisions for the

health and comfort of the inmates, shutting out pure air and sunlight.

IMPERFECT VENTILATION

Is the crying defect in the construction of nearly every jail in Wisconsin. Coupled with and aggravating this evil are those of defective sewerage and privy accommodations. To these matters the attention of the legislature has been directed in former reports, and we have no desire to prolong the discussion of the subject in this connection. The evils of which we have briefly spoken exist, with all their horrors, in a vast majority of the Wisconsin jails.

It is wrong that our jails are ever used as places of punishment, much less as places of torture. Until some more humane provision shall obtain, the county jails will continue to be used for the punishment of criminals; but that they should longer be used as dungeons of torture, where the life of the inmate is literally smothered out for want of free air, and the blood poisoned by the inhalation of the stench from a privy vault, is a shame that no pen can describe.

But this is not all. To this

CATALOGUE OF HORRORS

must be added two other evils: *first*, lack of proper separation of the prisoners, and *second*, lack of any useful and healthful employment. Few jails, even among the best, have proper facilities for the separation of the prisoners. Even the separation of the sexes is not provided for in many instances. The promiscuous association of prisoners vitiates the innocent and sinks the hardened into deeper criminality. The boy, who by some slight mishap, is in confinement for the first offense, hears the confirmed villain, with whom he is compelled to associate, relate his deeds of wickedness and crime. His mind is contaminated by the conversation teachings and whole deportment of this vile associate. With the novice in crime, his first imprisonment is a most critical period. With proper association and influence about him, his temporary misfortune may serve to cut short, at once, a career of vice and crime, and furnish food for wholesome reflection; but if thrown under improper influences and among wicked associates, his propensity to crime is strengthened, and the whole nature of the man debased.

The whole moral atmosphere of the ordinary jail, breeds contempt of law and those who administer it. The entire aspect seems

cold, forbidding and uncharitable—dispelling from the breast of the convict all hope of sympathy from society; fostering and quickening, in stead, a spirit of hatred.

But we have spoken, as if the inmates of our jails were all convicted criminals. But this is far from being so. There is scarcely a jail in the state, in which there is not one or more insane persons, who have done no wrong against society; one or more persons merely suspected, against whom no offense has been proven; besides these, witnesses who are charged with no crime, are frequently detained in jail. The proper appreciation of the character of this portion of the population of our jails, such as we have here described, cannot fail to raise the indignation of the people against the evils and abuses of which we complain.

More, much more might be said upon this point, but we must pass to the consideration of the second branch under this head of the subject, to-wit:

THE LACK OF USEFUL EMPLOYMENT.

This is the chief defect and evil of the jail system. The defect is an inherent one, and can never be eradicated, save with the system itself. Idleness everywhere, in every walk and condition of life is a fruitful source of crime. Enforced idleness, such as reigns universally in our jails, must be likened to some foul miasma, polluting the mind and enervating the body. Labor is divinely ordained. Idlers are the drones and despised of society. Idleness and crime are kindred vices. The relationship is that of parent and offspring. Generally, hatred of honest, fruitful labor is the first, and love of idleness the second stage in the career of almost every criminal. The latter awakens, quickens and intensifies, by degrees, the propensity for crime. Indulgence in idleness begets poverty in the necessaries of life. Bodily destitution, in turn, leads to pillage, robbery and murder; in fact to all the parasitical crimes with which society is afflicted.

The truth of what we have said will hardly be contradicted by any well informed person. If then, aversion to labor makes the vast majority of our criminals, does not society surrender the most effective means for the positive punishment and prevention of crime, by the organized system of enforced idleness it has adopted in the institution and continued use of county jails for the confinement of criminals. Every prison should be a work-house, where labor is

compulsory. As such, it at once becomes a terror and a most effective restraint upon the wrong-doer. But this effect is utterly lost by the system of enforced idleness that prevails in the Wisconsin jails. They actually offer a premium upon crime. The criminal also views the matter in just this light—a fact attested by the number of criminals who commit offenses at the beginning of every winter, for the evident purpose of securing lodging during the cold weather, with congenial companions, in coveted idleness.

Again, the effect of compulsory idleness is to utterly unfit the prisoner for labor when he obtains his release. In many cases, close confinement for three months, six months or a year—the usual length of sentence to county jails—absolutely produces physical inability to do the most ordinary manual labor. But we need not multiply words to convince an industrious, labor-loving people that the system of which we have been speaking is radically wrong.

ECONOMICALLY CONSIDERED,

The present system of enforced idleness is equally objectionable. By an examination of our reports from the sheriffs of the several counties of the state, it will appear that hundreds, nay thousands of able-bodied men and women are kept confined in our county jails, performing no labor, while the people are heavily taxed for their support. There is no reason why the criminal should not contribute to his support by useful labor, but there is every reason why he should. Certain of these reasons we have endeavored to point out; but there are others that will doubtless be suggested by those already presented. The aim should be to utilize the vast amount of labor that is at present wasted.

WHAT IS THE REMEDY?

It is often an easy matter to locate and name a disease, but the skill of the physician is tested in the application of the proper remedy. It is easy enough to point out abuses, but to reform them is a difficult task. However, we cannot conclude this subject without offering a few suggestions as to needed reforms, a careful consideration of which we solicit from your Excellency and the legislature. These suggestions and the conclusions we have reached from a careful, and, we may be excused from saying, a somewhat thorough examination of this subject, can best be presented in the following chapter on "Needed Changes in our Criminal Statutes, Reformatory Sentences, etc."

TABLE

Showing the total number of persons in the jails of the state, sex, nativity, number of insane, number under 20 years of age, number able bodied persons, and the cost per week for keeping, during the year ending November 1, 1874.

Where the name of a county is omitted, it indicates that no report was received from the sheriff, or that the jail was without inmates; or the county is without a jail.

COUNTIES.	Whole number.	Male.	Female.	Native.	Foreign.	Number Insane.	Number under 20 yr's of age	Number of able bodied.	Cost of keeping per week
Adams	1	1	.....	.....	.....	.....	.....	.....	.....
Ashland	14	14	...	9	5	.....	1	12	\$6 00
Barron	2	2	.....	.....	.....	2	.....	.....	.....
*Bayfield .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Brown	108	98	10	42	61	10	11	94	3 00
Burnett.	2	2	.....	1	1	1	1	1	†12 25
Calumet	8	6	2	3	5	1	1	6	4 00
Chippewa	18	16	2	1	17	8	1	16	7 00
Crawford	40	37	3	21	19	2	6	37	4 00
Dane	251	241	10	56	195	18	.....	213	3 50
Door	9	8	1	2	7	2	.....	6	3 00
Douglas ...	7	7	.....	2	5	.....	.....	7	4 50
Fond du Lac...	64	59	5	.....	.....	2	29	64	*
Grant	18	17	1	16	2	1	1	16	4 50
Green	39	39	.....	22	17	8	12	38	3 50
Green Lake....	18	10	8	11	2	1	1	9	4 28
Iowa	16	16	.....	7	9	.....	2	13	3 50
Jackson	10	8	2	7	3	.....	.....	8	5 25
*Jefferson .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Juneau	19	18	1	9	10	2	4	17	4 00
Kenosha ...	181	129	2	77	54	6	.....	†125	3 50
Kewaunee	8	8	.....	.....	8	1	.....	1	6 00
La Crosse	71	60	11	42	29	2	7	69	3 50
Manitowoc ...	67	60	7	5	62	16	.....	51	2 50
Marquette	2	2	.....	1	1	.....	.....	1	3 50
Milwaukee ...	420	397	23	90	330	14	4	†400	3 50
Monroe	40	40	.....	4	36	.....	18	39	3 50
Oconto	50	40	10	28	22	5	12	47	4 00
Ozaukee ...	6	6	.....	2	4	1	.....	4	3 50
Pepin	6	5	1	4	2	3	2	3	7 00
Pierce	6	5	1	5	1	2	.....	3	4 25
Polk	6	5	1	5	1	.....	2	5	7 00
Portage	40	40	.....	10	30	.....	3	40	5 00
Racine	281	275	6	117	164	1	10	†275	7 86
Richland	11	6	5	11	.....	1	1	†10	4 50
Rock'	250	229	21	.....	.....	2	.....	†240	3 50
St. Croix	28	28	.....	16	12	1	.....	27	*
Sauk	20	18	2	14	6	2	1	15	4 50
Shawano	2	2	.....	.....	2	.....	.....	2	4 00
Sheboygan ...	42	30	12	20	22	3	..	18	4 00
Trempealeau...	13	13	.....	7	6	1	4	12	7 00
Vernon	15	14	1	8	7	2	3	13	4 25
Walworth	20	20	.....	11	9	.....	.....	18	4 20
Washington ...	19	17	2	9	10	2	.....	19	3 00
Waupaca	18	17	1	18	.....	4	5	14	4 00
*Waushara .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Winnebago	78	72	6	29	49	4	4	74	4 00
Wood	14	13	1	6	8	.....	.....	12	4 00
Totals	2,293	2,140	153	748	1,228	121	141	2,094	.....

* Number not given.

† Estimated.

‡ So reported.

CHAPTER SIXTH.

NEEDED CHANGES IN OUR CRIMINAL STATUTES — REFORMATORY STATUTES, ETC.

In the foregoing chapter we have had nothing to say derogatory of the official management of our county jails. There is no general complaint that the inmates of the jails are poorly fed and clothed. The officers in charge are kind and efficient in their conduct toward those over whom they are in control. The evils of which we complain exist in spite of the most humane efforts on the part of jail officials. But

CAN THESE EVILS BE REMOVED?

We answer unhesitatingly, yes. The most advanced thought of this country and of all Christendom, is just now largely engrossed in the consideration of questions of prison reform. The voice of humanity, of science and of religion calls upon us, the people of Wisconsin, to place ourselves in harmony with the progressive spirit of the age, to co-ordinate our efforts with those of sister states and other countries, in the inauguration of a substantial reform in the matter of prison discipline and management.

THE FIRST STEP

Is the abandonment, at the earliest practicable moment, of the use of the county jails as places of confinement of persons undergoing sentence—*convicted criminals*. The jail will continue to be used as a place of detention for witnesses and those suspected of crime, awaiting trial; and as such, should be so remodeled as to possess the requisites of health, comfort and security. The suspected prisoner requires just as close watching and just as strong bars for his safe-keeping as the convicted criminal. But there is no reason or justice in inflicting hardships or punishment upon those who are only suspicioned of crime. A large proportion of the indicted are

acquitted upon the trial. This certainly is a sufficient reason why the inmates of our jails should not be compelled to indiscriminately suffer ill-treatment and punishment to satisfy the suspicions of society.

Criminals awaiting trial cannot be compelled to labor. Hence the importance of speedy trial. If innocent, their imprisonment a single day longer than is absolutely necessary, is tyranny; if guilty, every moral, physical and economical consideration demands a speedy trial; demands it on behalf of justice, of violated law and outraged society. An expeditious trial is one of the rights which every accused person may demand under the fundamental law of the country.

But how shall we remedy the evil of enforced idleness? We answer, there is no remedy so long as the county jails are used as places of punishment. Any system of profitable labor is impossible, because the number of criminals undergoing sentence in any of the jails at any one time is too small to admit of systematic, useful employment. Plainly enough, then, the practice of committing criminals to our jails should be abandoned. This would necessitate a change in the criminal jurisprudence of the state, and would necessitate the establishment of a system of

INTERMEDIATE PRISONS

for the punishment of minor offenses, the penalty of which now is confinement in the county jail. The general features of this system of intermediate prisons, as well as the advantages to accrue from it, were presented, in a general way, in our former reports. The recommendations then made upon this subject are here renewed.

Retaining their intermediate character, these prisons should be distributed throughout the state according to certain defined districts. At first not more than three districts need be formed. In each of these should be established a distinct prison to which shall be sent all those criminals who are now committed for minor offenses to the county jails. Each prison should receive the convicts from the counties comprising the district.

Those prisons should be organized and managed upon the same general plans as the State Prison, and we think under control of the same Board of Directors. This will render our entire prison system unique and harmonious. The district prisons should receive

all minor offenders as before stated, but the Board of Directors should be empowered to transfer criminals from the district prisons to the State Prison, if their conduct shall be so bad as to deserve it. On the other hand, the board should possess the power to transfer criminals from the State Prison to district prisons, if their good behavior shall warrant the change.

THE LOCATION

Of the proposed prisons should be selected with reference to the operation of some profitable business. The kind of employment will be determined by the Board of Directors, and should be so selected as not to create competition between the sales of the different prisons. Proximity to a ready and available market, or to the supplies of raw material, or to both, should be aimed at in the selection of location.

THE COST OF TRANSPORTATION

Of criminals from the counties where convicted to the prison, should be made a charge against the prison. "The surplus earnings should be applied to the prison expenses. The balance of expense should be collected from counties, *pro rata*, according to the number of convicts sent from each, and the length of their imprisonment."

AN OBJECTION TO THIS PLAN

Has been urged on the ground that the cost of transporting criminals to the prisons will be too great to justify the adoption of the system proposed, especially since many persons are committed to the jails on short sentences. To those who urge this objection, we say in answer, that this plan proposes to put every criminal, as soon as he is convicted, at some remunerative labor. At present the offender is sentenced to the county jail for three months, six months or a year as the case may be. He remains in utter idleness till the expiration of his time, at an average cost to the taxpayers of from \$4.00 to \$5.00 a week. Compared to what is paid by the counties for keeping its criminals under the present management, the cost of transportation referred to is a mere pittance. By the adoption of the district system of prisons, the convict is placed at work and his earnings go to defray the expense of his keeping. The mind and body of the criminal are both improved by being kept employed at some healthful and remunerative labor.

The prisoner escapes all the evil tendencies incident to confinement in the county jail.—the evils of associated villainy and enforced idleness. At the end of his term, he will go out strong in body, able to work and experienced at some useful trade. But a more

COMPLETE ANSWER TO THE OBJECTION

Will be found in the further elucidation of the proposed prison reform. Upon the adoption of the system of district prisons, with such relations to the State Prison as we have above outlined, we recommend most earnestly such a change in the criminal jurisprudence of our state; as will do away with and entirely abolish from our criminal code, all *time sentences*, except for crimes, the punishment of which is now imprisonment for life. The commitment of every prisoner should be accompanied with a perfect record of his crime, and the finding of the jury. He should be placed in prison upon his good behavior. The time of his imprisonment should be shortened or lengthened, according as his conduct is good or bad. The criminal should be made to work out his own release. Of course this matter would be under the control of the Board of Directors. The Board of Directors should recommend the release of the prisoner, which recommendation, if approved by a general board of supervisory control and the governor would insure the release of the criminal. This general board, which, with the governor, is to take final action in every case, should meet quarterly to receive and act upon recommendations for release.

It is not our object to go minutely into the details of the proposed plan of prison reform. We have preferred to present in the briefest way the general outlines of the plan; the details must be determined by the legislature.

The salutary features of a system of

INDETERMINATE SENTENCES

In the punishment of our criminals are so apparent as to command the approval of every reflecting mind.

The abolition of time sentences changes, at once, the whole motive of the criminal. If his release depends upon his good behavior, his whole mind will be engaged in the study of his duty, in doing the right and shunning the wrong. Obedience and industry will supplant insubordination and shiftlessness. The whole ten-

dency of this policy will be toward the moral and physical improvement of the prisoner.

Another commendable feature of the proposed system is found in the relief it will afford the courts in the matter of sentences. The disparity between the sentences for similar offenses has for a long time been the subject of great complaint. The proposed reform will secure greater uniformity in this particular. The same offenses may have been committed from very different motives and under very different circumstances. The claims of the offender for clemency can best be determined by a board of directors, who have become familiar with his conduct and character after commitment.

The abandonment of the county jails as places of punishment and the establishment of intermediate prisons for the confinement of minor offenders are among the most conspicuous benefits that will follow the inauguration of this prison reform. The labor of 2,000 able-bodied criminals will be utilized and the evils of enforced idleness eradicated.

Some of the more prominent reforms to be inaugurated in the adoption of the proposed

CHANGE IN OUR PENAL SYSTEM

are tersely set forth in the following:

First. The jail to be used for the detention of prisoners, arrested and charged with the commission of crime, until they shall be tried; and for the safe keeping of such as have been tried and found guilty, until they can be conveyed to the place of punishment; such confinement to be separate and in large cells or apartments; without the privations imposed upon adjudged criminals.

Second. Intermediate prisons or work houses, for persons convicted of minor offenses or of grave charges, who give hope of reformation; such prisons to be provided with industrial, educational and moral advantages.

Third. The State Prison for confirmed or dangerous criminals, administered firmly, but with the reformation as well as the punishment of the prisoner in view.

ANNUAL REPORT OF THE COMMITTEE ON PRISON DISCIPLINE AT THE NATIONAL PRISON REFORM CONGRESS HELD IN ST. LOUIS, MAY 13-17, 1874.

We cannot better conclude this chapter than by submitting the report of the Hon. F. B. Sanborn, Secretary of the Board of Public Charities of Massachusetts, presented at the National Prison Reform Congress, held at St. Louis in May last, on the subject of Prison Discipline.

THE REPORT.

"It becomes the duty of the Standing Committee on Prison Discipline to present their annual report to the National Penitentiary and Reformatory Congress, which they beg leave to do as follows:

"It has seemed best upon this occasion, in the light of the researches and discussions of the last few years, and particularly those of the famous Prison Congresses of Cincinnati, of London and of Baltimore, organized and conducted to a successful result, mainly by the unwearied activity and the enlightened zeal of our Secretary (Dr. Wines) to recapitulate and summarize the main principles of prison discipline as it is now understood, with illustrations from the systems in actual operation by which those principles are, in part at least, realized and enforced. The necessities of time and space will compel brevity; but the intelligence of the audience to whom this report is addressed, and their familiarity with the subject considered, will permit the needful condensation of statement, without risk of being misunderstood.

"The topics of the report then will be: (1) The various systems of prison discipline, with particular reference to the Irish or Crotton system, as the best to replace our American want of system. (2) The applicability of the best system to all grades of prisons, from the guard house or lock-up to the prison for the convicts sentenced for life, including county jails and houses of correction, or work-houses. (3) The details of discipline in prison, including the selection of officers, religious and secular instruction, diet, hospital treatment, the mark system, ticket of leave, etc. (4) The actual and the possible results of prison discipline.

"PAST AND PRESENT SYSTEMS.

"It is not yet two centuries since the first rude semblance of a

system of prison discipline, as we now understand the phrase, was put forth in theory (hardly in practice) in the city of Rome, and by the wisdom of its Pontiff, then Clement XI. This townsman of Raphael, when new to the papal office, caused to be inscribed over the portal of his new prison, in 1703, the sententious maxim which Howard afterward adopted as his own: *Parum est improbos coercere poena, nis probos efficias disciplina*—‘ ’Tis idle to coerce the bad by punishment, without making them better by instruction.’ This is the key-note of all the subsequent discussions of prison reform, from Beccaria and Howard, Bentham and Livingston, to Crofton and Brockway, the best living demonstrators of a science somewhat older and far simpler, but much less understood, than the science of chemistry. John Howard and Sir William Blackstone echoed it in 1779, when they wrote in the preamble of an act of Parliament their hope of ‘not only deterring others from the commission of crimes, but also of reforming the individual;’ and in the hundred years that have since passed, this sentiment has found utterance in the penal codes of every civilized nation. To put it in practice has been found more difficult than to utter it; but various systems have been ingeniously framed and earnestly administered for the purpose of combining reformation with punishment. Of these systems the late Senator Sumner (who in his early career was an enlightened and earnest prison reformer), writing in 1845, mentioned three as having been in force during his life-time: The *Solitary*, the *Separate* (or Pennsylvanian) and the *Congregate* (or Auburn) systems. But he added, with that rare foresight which made so many of his utterances prophetic, ‘Perhaps the Separate system might be modified, so as to admit instruction and labor together, in a small class, selected after a probationary period of separation, as specially worthy of indulgence and confidence.’ Such a modification, he adds, was recommended by Edward Livingstone in 1827, and such the Irish intermediate prison at Lusk has for nearly twenty years exemplified in practice. And the Irish or Crofton system of prison management, which has grown up since Sumner wrote, is now superseding both the separate and the congregated systems out of which it grew, and of which it is a combination in their better elements. The separate system still succeeds in several of the best European prisons, and it nominally prevails in many of the Pennsylvania prisons; but in the greater part of Europe and America the congregated system, either that of Auburn or one

more lax, is in common use. It is the latter which the Crofton system ought immediately to replace in America.

“ Perhaps it is strictly just to give this system (commonly known as the Irish convict system) the name of Sir Walter Crofton, since it was first reduced to a permanent and feasible form by him. But the man of genius by whom it was invented was Captain Maconochie, who preceded Crofton by more than a dozen years. He lived to see his method adopted by Crofton in Ireland, and to witness the first results of the extraordinary undertaking in that country, by which the whole tendency of prison discipline has been changed, and, as it now seems, changed much for the better. For until Captain Crofton in 1853, began to investigate officially the Irish prisons which he afterward regulated and controlled, with such remarkable results, the tendency in Europe unquestionably was toward the separate or Pennsylvania system, which is still commonly and favorably known in most of the European countries. Thus in Austria there are cellular prisons, though chiefly used as a preparation for associated labor; in Belgium, out of twenty-six prisons, eighteen are cellular (that is, on the separate or Pennsylvania plan) and four more are now changing to that plan from the congregate method. In Denmark there is one cellular prison; in France there are few; in Baden and Bavaria the cellular system exists; in Prussia it prevails in the largest prison; in the rest of Germany it is not unknown. In Holland, Switzerland, Norway and Sweden it retains some share in the favor of the government and people, though the Irish system is supplanting it; in Russia it seems to have no foothold. In England it is less esteemed than formerly, and the same is true in our own country, where, from a variety of circumstances, it has not of late years received its fair share of the public attention and respect. The congregate system, and nominally the Auburn plan, has displaced the cellular of Pennsylvania system almost everywhere in America, except at the two great prisons of Philadelphia. There it is still in favor, and in the Eastern Penitentiary it is now administered with zeal and intelligence by excellent officers. Though occupying so small a field, proportionately, the separate system in America serves a very useful purpose in keeping up the tone of the congregate prisons in some small degree. Its great rival for nearly half a century has been the modified Auburn system practiced at the Charlestown State Prison in Massachusetts, which of late years has a new

warden, who seems to be well satisfied with his own method of discipline, and scoffs at the Crofton system without understanding it.

"THE BEST SYSTEM APPLICABLE TO ALL PRISONS.

"In spite of many doubts raised against it, and some inherent or avoidable defects, we believe the so-called Irish, or Crofton, system to be the best for our American prisons—and this not only for the state prisons and penitentiaries, but for those of all grades. Of course, the whole machinery of the mark system, intermediate prison, preliminary separation and ultimate ticket of leave, cannot be worked in guard houses and station houses, where the prisoners spend but a few hours of the night or the day. But the spirit of the Crofton system will apply to long-sentenced or short-sentenced persons—to jails, 'lock ups,' workhouses, and all other prisons where men and women are shut up, and we shall be much mistaken if we do not, within a few years, see it so applied in some of the states of our union.

"What is now needed more than any one thing in American prison discipline is the centralization of all the prisons of one jurisdiction by placing them all under one control and inspection. The prison system, like the school system of a state, should be a consistent adaptation of one grade of prisons to every other throughout the whole jurisdiction where the same authority nominally prevails. Not that prisoners, like pupils, should graduate upward from one school of crime to another, until they finish their criminal education on the scaffold—though this is not seldom the result under present circumstances. One of the most atrocious murders in New England, a few years ago, was committed by a criminal who began to be arrested and lodged in the station house before he was twelve years old; who proceeded from the station house to the reformatory prison, from the reformatory to the house of correction; from the house of correction to the state prison; from the state prison to the army in time of civil war; from the army to the house of correction again; thence to the scene of his crime, which, when detected, led to his return to the state prison, whence in due course of time he was led out for execution within the prison yard. Here the steps in crime and in punishment were so exactly timed to each other, that this murderer's career seems almost like the gradual education which leads the youth from the primary to the grammar school; thence to the high school, the col-

lege, the professional school, in due succession, until at last he takes his degree, an accomplished lawyer, physician or other professional man. But it is no such grim satire on the term 'prison discipline' of which we are now speaking; but rather of such a gradation of prisons as shall exclude from each higher stage those who have passed through and been benefited by the lower prisons. That would be the ideal system which would dismiss forever from the minor prisons those who have been instructed in a reformatory, and would exclude from the state prison those who had undergone the minor penalties. And the nearer we bring these different classes of prisons under one general management, the more effective shall we find their deterrent and preventive power, now confessedly so small. Naturally enough, we see the best examples of this centralization of prisons in the smaller states, and, perhaps, Rhode Island comes nearest to what is here spoken of. In the year 1871, however, the state of Maine passed a law which has greatly simplified the management of its local prisons, and is worthy of imitation elsewhere. The power to employ convicts in the county prisons of Maine, and to transfer them from one of these sixteen prisons to another, is now vested in the three Inspectors of the state prison at Thomaston; so that, practically, all the Maine convicts, except the boys in the State Reformatory, are under one board of control. The results, pecuniarily and moral, are declared to be good, and after a longer trial of the new system they will doubtless be still better.

THE PRIMARY PRISONS,

properly speaking, should not be reckoned the houses of arrest and detention, but rather the reformatories to which young offenders are sent for months or years. Guard houses and jails are the way-stations and waiting-rooms in which crime is temporarily checked, but not systematically dealt with as crime; they are the mere vestibules of the prison-house of a community. In the truant school and the reformatory, we enter upon the prison-house itself—the lower stories, above which are the houses of correction (or, as these are sometimes called, work-houses) and penitentiaries or State prisons—"convict prisons" as they are termed in England and Ireland. And it is interesting to observe—especially when the observer favors the application of the Irish or Crofton system of prison discipline—that in the upper and the lower stories of our three-story prison system, the method of Maconochie and Sir Walter Crofton

has already made an entrance and established itself quietly and gradually. In the State prisons the "commutation laws," by which sentences are shortened for good behavior, are the entering wedge of the new system; followed rather feebly, as we see, by the efforts, public and private, to provide for discharged prisoners, not yet, as in Ireland, under strict police supervision. In the reformatories the whole discipline aims, and has long aimed, at what the Crofton method seeks and in some degree accomplishes. Hope rather than fear, and the constant pressure of good motives rather than bad ones, are relied upon in these prisons for boys and girls; and it is in the same line that Maconochie and Sir Walter worked among their mature and gray-headed culprits. Scarcely a lad in any of our reform schools serves out his whole sentence, if, as it ought to be, it runs during his minority. He is instructed, disciplined in labor and in self control, and then sent out into the world on ticket of leave. The same should be done in all our prisons; and when this principle is once admitted and acted upon methodically, we have all that is intrinsically valuable in the Crofton system. This is applicable, we doubt not, to all grades of prisons; to some with more difficulty than to others, and to none with entire ease. But we look to its introduction, and to a better appreciation and utilization of what is best in the separate system of Pennsylvania, for whatever improvement the coming generations shall witness in our prisons.

"THE DETAILS OF DISCIPLINE.

"Edward Livingston, our greatest and wisest American writer upon penal legislation, says in the introduction to his Louisiana Code, and says very truly: "The details of imprisonment, especially if coupled with labor, must be strictly defined by law. Any discretion left to the jailer as to the mode of inflicting it makes him, and not the judge, the arbiter of the culprit's fate. He may, without proper limits to his authority, change the sentence of a few years' confinement into the same period of exquisite misery, followed by loss of health or of life; and he may do this without incurring any penalty. If he may at his discretion inflict stripes for disobedience or want of respect; if it is his duty 'by all the means in his power to make the convicts feel the awful degradation and misery to which their vicious courses had reduced them,' then imprisonment is the worst of all punishments, because the most unequal. The law, then, must, in every particular that can

be foreseen, regulate the conduct of those to whose keeping the prison is to be committed.'

"These remarks are eminently true, and the experience of all our large prisons is daily proving their truth and wisdom. Equally pertinent to our time and country, especially since the close of the civil war (which gave a great and by no means wholly beneficial prominence to the military spirit and type of character) are these observations of Captain Maconochie, who had himself been a soldier: 'The military type now universally followed in our prisons should be abolished, and a clerical or missionary one substituted. The objects of military and prison discipline are directly opposed, and they cannot therefore be advantageously pursued by the same means. The one is meant to train men to act together; the other should be to prepare them safely and advantageously to separate. The one is, further, the type of force, which never created virtue yet, and against which a brave spirit, even instinctively, rebels; the other should image persuasion and exhortation, the approved method in every case of obtaining an end sought. A necessary object in the one is to subdue individual character, and reduce all to parts of a compact machine; while that of the other should be specially to strengthen individual character, and instilling right principles into it, encourage and enable it to act on those independently. Of minor incidents in our existing jail practice, accordingly, none appears to me much more pernicious than the endeavor to ape military demeanor in it.'

"It is well to bear this thought in mind when considering the present condition of our American prisons. Many of their wardens and superintendents were soldiers in the war, and were appointed with no very clear notions, on the part of the appointing power, as to what prison discipline is, and how it differs from military discipline, with which it is often confounded. This is an important point, because we have a natural prepossession, since the war, in favor of

"APPOINTING SOLDIERS

to office. A. B. was a good soldier and a meritorious officer; it was, therefore, inferred that he would make a good prison warden. And, up to a certain point, a good soldier is likely to prove at least a tolerable warden. The externals of discipline will be maintained; the convicts will probably be well fed and well clothed, (except those on hospital diet, perhaps, since an army hospital gives but

little variety of food); the contractors will probably be subordinate to the warden and not superior to him, as in some prisons; and there will be less waste and peculation than in many prisons. But along with these obvious and acceptable merits will go, in most instances, the soldier's foibles. He will fret at restraints of law; overestimate his own wisdom, and the virtue of force and arms; rely too much on drill, pipe clay and the pistol; and will cherish an open or ill disguised contempt for plodding method, human effort, school instruction and religious devotion. What the poets have pointed out, long ago, as the scholar's character, will be his, whether in the field, the civil service, or the prison; he will be jealous of honor, sudden and quick in quarrel"—

*Acer et indomitus, quo spes quoque ira vocasset
 Ferre monum: et nunquam temerando parcere ferro;
 * * * * *
 Jura neget sibi nata; nihil non arreget armis.*

Ten chances to one he will think there is nothing which brusque courage and a Colt's revolver cannot do; he will arm himself and oblige his officers to carry deadly weapons; he will construe remonstrance from a convict as insolence, to be punished in the guard house or with the ball and chain; he will chafe at authority over him, even that of the law; he will resent the verdict of public opinion even while yielding to it; he will exact punishment and neglect reformation and instruction. These faults were conspicuous even in Capt. Elam Lynd, the founder of the Auburn system of prison discipline, whom Edward Livingston praises for his moderation and his knowledge of human nature, qualities by no means common in the military type of prison officers. Cap. Macnochie and Col. Montesinos, of Spain—both military officers—seem to have been free from such faults; and both of these very successful prison wardens dispensed almost wholly with the use of deadly weapons in guarding and controlling convicts.

“We should be inclined to say, were it inquired what is the most important single detail of prison discipline to be observed by every officer, ‘above all things never go armed with a deadly weapon.’ For the courage, moderation and good sense which would enable an officer to obey this injunction would be his best security and his highest testimonial. Let it be understood and accepted, once for all, that a prison officer's life, at least in a congregate prison, is always at the mercy of the convicts. A whole arsenal of weapons,

a whole regiment of soldiers, will not protect him from assassination, if his prisoners are determined to murder him. His life is in their hands; just as the life of the sailor is at the mercy of the winds and waves; just as that of the soldier in battle is at the mercy of shot and stab, from which no armament of pistols can certainly defend him. Having once calmly accepted this truth—for it is true—the good prison officer will walk among his men as fearless as the sailor walks the deck; he would no more think of charging his pistol to protect himself, than the mariner thinks of shooting at the hurricane or the breakers. The skill of both is to avoid, not to confront, the deadly peril. I merely throw out these observations; but we are deeply convinced that they point to the innermost secret of success in prison discipline.

“IT IS LESS IMPORTANT

that prisons should be well-built than that they should not contain too many convicts. The worst built prison, with one or two hundred prisoners, promises better for their discipline than the best built one with 1,000 convicts. We have never heard of so large a prison which was managed with the highest success for a long period; and could we decide the size of prisons, none should ever be built for more than 500 convicts. Nor are the architectural proportions of a prison, whatever its size, so important as the rules by which it is governed. This is a principle almost invariably lost sight of in America. The corrugated iron barracks of Lusk are better built for prison uses than the costliest and most scientific arrangement of cells and work-shops, kitchens and bath rooms. Beyond security and separation little is essential in prison architecture. The work room and the school room are more important than the ornamented guard room or the ostentatious outside; the hospital and the chapel are of subordinate, but still considerable, consequence. One great merit of the Pennsylvania system, which dispenses with any chapel, is the cell visitation and instruction which it requires, and which is far less neglected there than in the congregate prisons.

“The prison diet should be as plain, and at the same time as varied as a proper economy and the health of the prisoners will permit. The hospital diet should be as good as the same diet elsewhere. The notion of preserving moral distinctions and inflicting culinary punishments among fever patients and consumptives is not yet ‘dismissed to the moon,’ but it should be ere the next full.

The mucous membrane has other uses, more natural, than to undergo the penalties of human law. The prison physician, too often a tyro or a third-rate practitioner, should be skillful and humane in a profession eminent for skill and humanity.

“A French traveler, imaginative and brave, has discovered the gorilla in our time; for years he was ~~thought to~~ have invented that creature. Recent reports speak of the dodo as ~~still~~ existent. Wonders will never cease; we live in hope that somebody in America will either discover or invent that almost unheard of being, the prison-schoolmaster. He is found in Ireland and in some other parts of Europe; but his appearance in most of our American prisons would excite as much surprise as to see the great Irish elk striding about the corridors or stretching his horns up for exhibition among the muskets and manacles in the guard room. Rumors have reached us that there are schoolmasters in some of the western prisons; but in Massachusetts we are slow to believe it. There is a school there at Charlestown, but no schoolmaster. Distant hopes are held out that one will be forthcoming by-and-by, if people are good and do not find too much fault with the prison authorities. The warden thinks a school with a schoolmaster ‘would prove highly beneficial to the convicts, state and contractors;’ the chaplain gives still another argument against the present arrangement when he says: ‘The fact that some in prison cannot read, and many have a very limited education, is not only lamentable in itself, but it embarrasses a chaplain’s plans and limits his usefulness. It is, therefore, sincerely to be hoped that our state will make more liberal provisions for removing from her convicts the fetters of ignorance which exclude the light of God’s revealed word.’ For whatever reason this hope may be entertained, it is a worthy one, but it can never be fulfilled until the prison schoolmaster appears. Nor will it be expedient to dispense with him on the ground that the chaplain can do his work, for in a large prison the chaplain’s own duties are quite enough to tax one earnest man’s whole energies. Take, for example, a congregate prison like that of Massachusetts, with 650 convicts. Should the chaplain labor there for ten hours a day, this would allow each convict almost one minute of his time each day, half an hour every month, and a little more than half a day every year. Unless the chaplain is peculiarly gifted in his mission (as he ought to be, but seldom is, so far as my own observation has reached,) he can hardly accomplish much for his hearers in those odd minutes and half hours.

"THE RESULTS, ACTUAL AND POSSIBLE, OF PRISON DISCIPLINE.

"The actual result of American prison discipline, as a whole, cannot be to decrease crime; for crime increases yearly, both in frequency and in atrocity. It has often been said that our prisons, upon the whole, increase crime; which we regard as probably true. Now, the possible results of a good system of prisons, faithfully administered, are much better than this. It is possible to reform and restore to society a considerable number of our convicts—since in some prisons it has been done. It is possible to deter others from crime through fear of consequences, and thus to keep out many men who are sentenced to prison now. It is possible to hold in confinement, for longer periods than is now done, those prisoners who have benefited nothing by their imprisonment, and who are either actually or virtually incorrigible. These general results, if once obtained, would be a great gain over what we see now existing; but along with the effort to secure these should go a much more systematic and persistent endeavor to prevent discharged convicts from returning to crime, to reduce the number actually confined in the minor prisons, and to improve the reformatory character of those prisons. The taint and corruption of prison life is much more likely to be communicated in a first or second imprisonment than in the longer terms to which our state prison convicts are generally sentenced; and it seems to be true that a great many young persons are now shut up for brief periods in the minor prisons, who might just as well be elsewhere, and much better in reformatories. What is most needed is the close and earnest attention of good people (to a much greater extent than is now given), directed toward the whole subject of crime and its penalties, and especially towards the prevention of crime. And one great merit of the Crofton system of penal discipline is this: that it gives "ample room and verge enough" for practical philanthropy to labor, in ways where what is to be done, by each person and for each person, is plainly seen, where the process can be understood, the common sense and common humanity of mankind called into aid, and the results made so clear, even to the skeptical, that it is capable of enlisting in its service a much greater number of workers than any other system yet devised. To introduce and perfect its methods in America seems to be a task worthy of the whole energies of our association."

CHAPTER SEVENTH.

STATE CHARITABLE AND CORRECTIONAL INSTITUTIONS.

The following table will exhibit what the state has appropriated for the support of the various Charitable and Correctional Institutions from their foundation; also what is asked by these institutions for current expenses and for permanent improvements for the year ending February 1, 1876:

NAME OF INSTITUTION.	Amount Appropriated previous to 1875-	Amt. asked for cur. ex. ensuing yr.	For permanent improvements.	Whole am't asked to be ap. by next legislature
Blind Institute	\$462,097 91	\$18,000 00	\$79,000 00	\$97,000 00
Deaf and Dumb Institute ..	540,424 88	84,417 70	2,500 00	36,917 70
Wis. State Hospital for Ins.	1,309,792 62	63,376 85	3,000 00	66,376 85
Northern Hospital	569,013 97	25,376 27	131,354 68	196,730 95
Industrial School for Boys.	500,645 67	28,000 00	14,000 00	42,000 00
Soldiers' Orphans' Home ..	334,510 94	9,000 00	.....	9,000 00
State Prison	1,004,419 05	33,985 80	.....	33,985 80
		\$	=	
	\$4,721,804 99	\$252,156 62	\$229,854 68	482,011 30

I. WISCONSIN INSTITUTION FOR THE EDUCATION OF THE BLIND.

[Located at Janesville.]

The board of trustees of the institution is as follows:

Terms expire April, 1875—J. D. Rexford, Janesville, Rock county; J. B. Whiting, M. D., Janesville, Rock county.

Terms expire April, 1876—Wm. H. Tripp, Janesville Rock county; A. A. Jackson, Janesville, Rock county.

Term expires April, 1877—J. B. Doe, Janesville, Rock county.

OFFICERS OF THE BOARD.

President—A. A. Jackson.*Treasurer*—J. D. Rexford.*Secretary*—J. B. Whiting.

OFFICERS OF THE INSTITUTION.

Superintendent—Thomas H. Little, M. A.*Teachers*—Mrs. S. C. Little, Miss A. T. Hobart, Miss S. A. Watson.*Matron*—Mrs. Maria H. Whiting.*Foreman of Shop*—James Stephens.

TABLE

Showing Cost of Construction; Current Expenses; Total Cost to the State by Appropriation; Whole number and Average Number of Pupils, of the Institution since its Foundation.

YEAR.	Cost of Construction.	Cost of Current Expenses.	Total Cost to the State.	Whole No. of Pupils.	Average No.	Yearly Cost per Pupil.
1850 } 1851 }	\$3,000 00	\$3,368 62	\$6,368 62	17	.....	.....
1852 ..	2,500 00	2,000 00	4,500 00	9	.....	.....
1853 ..	.....	2,500 00	2,500 00	13	.....	.....
1854 ..	12,000 00	3,500 00	15,500 00	16	.....	.....
1855 ..	5,000 00	4,000 00	9,000 00	14	.....	.....
1856 ..	10,000 00	5,000 00	15,000 00	19	.....	.....
1857 ..	15,000 00	7,000 00	22,000 00	20	.....	.....
1858 ..	7,530 79	5,000 00	22,530 79	25	.....	.....
1859 ..	6,575 00	9,000 00	15,575 00	27	.....	.....
1860 ..	3,700 00	9,000 00	12,700 00	34	.....	.....
1861 ..	1,000 00	9,000 00	10,000 00	42	.....	.....
1862 ..	.....	8,800 00	8,800 00	50	.....	.....
1863 ..	2,000 00	12,000 00	14,000 00	54	.....	.....
1864 ..	5,000 00	15,000 00	20,000 00	59	.....	.....
1865 ..	6,500 00	19,500 00	26,000 00	58	.....	.....
1866 ..	.....	16,000 00	16,000 00	54	.....	.....
1867 ..	1,000 00	16,000 00	17,000 00	54	.....	.....
1868 ..	60,000 00	18,000 00	78,000 00	60	.....	.....
1869 ..	500 00	18,000 00	18,500 00	69	.....	.....
1870 ..	29,800 00	18,000 00	47,800 00	64	.....	.....
1871 ..	7,073 50	18,800 00	25,873 50	68	51	\$358 82
1872 ..	1,400 00	21,000 00	22,400 00	76	57	368 42
1873 ..	250 00	20,500 00	20,750 00	77	56	366 07
1874 ..	2,800 00	19,000 00	22,800 00	75	60	316 66
Totals.	\$182,629 29	\$279,468 62	\$462,097 91	.....	.....	.....

The foregoing table shows what the institution has received from state appropriations only, and the cost *per capita* is estimated, from

year to year, upon the amount appropriated for current expenses, without reference to the reports of the institution treasurer to ascertain just the amount that was actually expended for that purpose. The object of this table, and similar ones of other state institutions, is to give a general view of the cost to the state. To such a plan as we have followed, we think there can be no objection. One year with another, it will prove about as fair as any estimate, and reasonably correct for the purposes intended.

THE RECEIPTS

Of the institution for the year ending September 30, 1874, as reported to this board, is as follows:

On hand September 30, 1873	\$2,946 52
From State Treasurer on appropriation.....	5,125 00
for barn	2,800 00
on appropriation.....	14,250 00
From Supt. for clothing and traveling expenses of pupils.....	186 55
apparatus and books	46 19
sales from girls' work department.....	86 49
sales of pigs.....	219 18
sales of vegetables	34 14
sale of cow.....	32 50
hay and pasturage	24 00
barrels and old metal.....	13 91
boiler	20 00
from sundries.....	19 70
Total.....	<u>\$25,804 18</u>

EXPENDITURES.

For amusement and means of instruction	\$769 02
clothing and traveling expenses of pupils	265 16
drugs and medicines	195 08
farm and barn expenses	692 73
fuel	838 99
house furnishing.....	2,987 23
laundry expenses	130 08
lights	324 31
liquors (included with drugs, etc.) .....	.....
manufacturing and trustees' expenses	473 53
miscellaneous purposes	1,218 88
permanent improvements.....	6,075 07
repairs	699 64
subsistence	4,256 91
salaries and wages	6,865 27
Total expenditures.....	<u>\$25,792 50</u>
Balance	<u>\$11 68</u>

COST OF SUBSISTENCE.

The cost of subsistence

In 1871, was ..	\$5,591 39
1872, was ..	4,548 07
1873, was ..	3,892 90
1874, was ..	<u>4,256 91</u>

The average cost per pupil for subsistence

In 1871, was ..	\$109 63
1872, was ..	29 70
1873, was ..	69 52
1874, was ..	<u>70 94</u>

Or a weekly cost for forty weeks

In 1871, of.....	\$2 74
1872, of.....	1 99
1873, of.....	1 74
1874, of.....	<u>1 77</u>

The whole number of day's board for pupils, officers, attendants, etc., for the year 1874, was 22,955, which is equal to 3,279 weeks.

The cost of subsistence for the year, \$4,256.91, divided by number of weeks of board furnished as above, gives the cost per capita for board, \$1.30 per week.

The cost of subsistence above, includes about \$700 worth of provision destroyed by the fire.

\$18,000 FOR CURRENT EXPENSES,

Is the amount asked by the Board of Trustees for the year ending Feb. 1, 1876, as follows:

Apparatus and means of instruction.....	\$1,068 00
Clothing.....	125 00
Drugs, medicines and doctor bills.....	225 00
Farm and barn expenses	586 00
Fuel	1,500 00
House furnishing	1,393 00
Laundry.....	320 00
Lights.....	150 00
Repairs	400 00
Salaries and wages.....	6,632 00
Subsistence.....	4,176 00
Work department.....	242 00
Miscellaneous purposes, including labor, freight and expressage, stationery, postage, traveling, tools, etc.....	1,188 00
Total.....	<u>\$18,000 00</u>

We have examined a very full detailed statement of the items of expense to be covered by the amount estimated above, and we

believe the amount asked is reasonable and necessary, and therefore recommend an appropriation of \$18,000 for current expenses, as asked.

AN APPROPRIATION FOR REBUILDING.

The next legislature is asked to make an appropriation to this institution for the purpose of erecting a building in place of that destroyed by fire on the 13th of April, 1874.

The Trustees propose to ask, only for an appropriation sufficient to enable them to erect a wing during the ensuing season — at a cost of about \$56,000.

This board has given much attention to the immediate and future wants of the Institution, and has earnestly sought to devise the best plan for its interest and that of the people of the state.

If we were now to begin the construction of buildings for the care and education of the blind, there is little doubt we would advise a somewhat different plan from that acted upon in the construction of the original edifice.

For the blind, buildings of more than two stories in height, above the basement, are objectionable, and we fully concur with the board of trustees in their views upon this point. This change will ultimately require a greater ground extension to afford like accommodations for an equal number of pupils, yet to change the ground plan will render the old foundation useless in the erection of the new structure. We therefore recommend the erection of the west wing upon the plan proposed, believing it for the best interests of the state and institution. However we especially urge that this wing be so arranged that, in connection with the buildings now used by the school, it will answer the wants of the institution for several years.

We have given considerable attention to the matter of fire-proofing, and express the conviction that, in the future, all state buildings, designed for the defective classes, should be constructed fire-proof, and we express the hope that by an exercise of closest economy, the appropriation of \$56,000, above asked, will be found sufficient to enable the Trustees to construct this wing substantially fire-proof; and when so constructed, a recurrence of the disaster of April last we may expect to avoid.

We therefore recommend that the amount asked by the Trustees be appropriated for the erection of this wing, and again urge that

the act making the appropriation provide that the building be so constructed and arranged as to fully accommodate the wants of the institution for a number of years, thus doing away with the necessity of constructing the main building for some time to come.

In addition to the above amounts, the institution will require an appropriation of \$5,000 to put in heating apparatus, and \$4,000 for indebtedness.

II. WISCONSIN INSTITUTE FOR THE EDUCATION OF THE DEAF AND DUMB.

[Located at Delavan.]

The Board of Trustees of the Institute is as follows:

Term expires April, 1875—Hollis Latham, Elkhorn, Walworth county. James Aram, Delavan, Walworth county.

Term expires April, 1876—Aaron L. Chapin, Beloit, Rock county. Henry L. Blood, Appleton, Outagamie county.

Term expires April, 1877—John E. Thomas, Sheboygan Falls, Sheboygan county.

OFFICERS OF THE BOARD.

President—A. L. Chapin, Beloit.

Secretary—George L. Weed, Delavan.

Treasurer—A. D. Thomas, Delavan.

OFFICERS OF THE INSTITUTE.

Principal—George L. Weed, M. A.

Matron—Luthera J. Hill.

TABLE

Showing cost of construction; current expenses; number pupils; annual cost to the state by appropriation, of this Institution from its foundation.

YEAR.	Cost of Construction.	Cost of Current Expenses.	Total Cost.	No. of Pupils.	Average No.
1852.....	\$3,000 00	\$500 00	\$3,500 00	8	.....
1853.	5,000 00	4,000 00	9,000 00	14	.....
1854.....	.....	7,500 00	7,500 00	81	.....
1855.....	500 00	7,000 00	7,500 00	84	.....
1856.....	800 00	7,000 00	7,800 00	49	.....
1857.....	22,500 00	12,000 00	34,500 00	56	.....
1858.....	6,500 00	9,000 00	15,500 00	52	.....
1859.....	4,500 00	15,100 00	19,600 00	79	.....
1860.	15,900 00	18,550 00	29,450 00	87	.....
1861.....	.....	14,000 00	14,000 00	86	.....
1862.....	.....	12,200 00	12,200 00	83	.....
1863.....	.....	13,250 00	13,250 00	89	.....
1864.....	.....	15,550 00	15,550 00	80	.....
1865.....	22,000 00	19,000 00	41,000 00	91	.....
1866.....	13,901 35	27,684 48	41,585 83	104	.....
1867.....	8,000 00	27,000 00	35,000 00	108	.....
1868.....	.....	27,000 00	27,000 00	95	.....
1869.. ..	3,000 00	30,000 00	34,000 00	112	.....
1870.....	4,176 00	30,000 00	33,176 00	144	.....
1871.....	.....	38,364 00	38,364 00	149	127
1872.....	.....	37,949 00	37,949 00	164	137
1873.....	.....	28,500 00	28,500 00	176	141
1874.....	.....	35,000 00	35,000 00	176	146
Total..	\$109,277 35	\$431,147 00	\$540,424 83	.....	.....

THE RECEIPTS.

Of the institution during the year ending September 30, 1874, have been as follows:

To amount received from state treasurer	\$40,500 00	.....
September 30, 1874, to amount received from the principal of the Deaf and Dumb Institute.....	1,072 85	.....
Total received	<u> </u>	\$41,572 85

DISBURSEMENTS.

For amusements and means of instruction.....	\$516 12	.....
clothing	698 21	.....
drugs and medicines	111 60	.....
farm and barn expenses.....	822 66	.....
fuel	3,028 55	.....
house furnishing.....	1,346 91	.....
live stock.....	.....	.....
lights	298 09	.....
laundry	333 57	.....
manufacturing expense.....	519 15	.....
managers' and trustees' expense	511 54	.....
miscellaneous purposes	684 61	.....
permanent improvements.....	1,496 41	.....

repairs	2,500 69	.....
subsistence	7,941 58	.....
salaries and wages	14,559 28	.....
	<u>\$85,449 03</u>	.....
By payment of overdraft due Sept. 30, 1873.....	<u>1,874 54</u>	.....
		<u>87,323 57</u>
Balance in favor of institution in hands of the institution treasurer		\$4,249 28
Balance in favor of institution in hands of state treasurer.....		8,750 90
		<u>\$12,999 28</u>

Which last amount represents the available funds of the Institute for current expenses from October 1, 1874, to February 1, 1875.

The whole number of pupils in attendance at the Institute during the year 1874, has been one hundred and seventy-six (176); one hundred and seven (107 boys and sixty-nine (69) girls.

Average number of pupils for 1874.....	<u>146</u>
----------------------------------------	------------

Total expenses for the year.....	\$85,449 03
Deduct permanent improvements.....	1,496 41
Leaves cost for current expenses ...	<u>\$33,952 62</u>
Average cost per pupil for school year (10 months).....	282 55
At same rate for twelve months.....	279 00
Cost per pupil per week.....	<u>5 81</u>

The total cost of subsistence was	\$7,941 58
Average cost for 146 pupils for school year.....	54 39
Average cost for 146 pupils per week, school year.....	<u>1 35</u>

Whole number of inmates in Institute during school year.....	173
Average cost of inmates for year of 40 weeks.....	\$46 17
Average cost of inmates per week of 40 weeks.....	<u>1 15</u>

APPROPRIATION ASKED FOR CURRENT YEAR.

The Board of Trustees ask from the next legislature an appropriation of \$38,100.00, according to the following itemized estimate:

Amusements and means of instruction.....	\$600 00
Clothing for indigent pupils.....	1,000 00
Drugs.....	100 00
Farm and Barn	800 00
Fuel	8,000 00
House furnishing	1,600 00
Light	500 00
Live stock	400 00
Laundry.....	400 00
Managers and Trustees.....	600 00
Manufacturing.....	600 00
Ordinary repairs.....	1,500 00

Permanent improvements	2,500 00
Subsistence.....	8,000 00
Salaries and wages.....	15,500 00
Miscellaneous.....	1,000 00
	<hr/>
	<u>\$38,100 00</u>

The above estimate includes an item of \$2,500 for permanent improvements, which does not properly belong in this estimate for current expenses.

An average attendance is anticipated next year, of 150 pupils—four more than this year. Now, estimating the cost per pupil for the current year at the same rate as the previous year, to wit: \$232.55, it will require for the maintenance of 146 pupils the sum of \$33,952.62. But an average of four more pupils is anticipated; yet to estimate that it will require four times the sum of \$232.55—the yearly average cost per pupil for 1874—is manifestly incorrect, for the reason that the additional number of pupils will not increase the items of expense for fuel, lights, salaries and wages and some other items. That is, by a careful estimate, we conclude that the additional expense for increase of pupils will not be more than one-half the cost per pupil multiplied by the anticipated number of increase.

Estimating the cost of current expenses, as we have indicated above, we would recommend an appropriation of \$34,417.70 for the year ending February 1, 1876, as follows:

For maintenance of 146 pupils.....	\$33,952 62
For maintenance of 4 additional pupils	465 08
	<hr/>
Total for current expenses.....	<u>\$34,417 70</u>

\$2,500 ASKED FOR PERMANENT IMPROVEMENTS.

In their report, the trustees ask for an appropriation of \$2,500 to enable them to put up a smoke stack to their furnace. They complain that they have long been troubled by defective draft, and it is believed a new smoke stack, of proper height and dimensions, will afford the needed relief in this particular. It is contended that this improvement will cause so great a saving in the item of fuel as to justify its construction without further delay. We accord with the views of the trustees in regard to the proposed improvement, and would recommend an appropriation accordingly. In this connection, we also recommend that this new smoke stack be so connected with the kitchen as to remove the disagreeable

and unhealthy vapors which now permeate the whole building. We call the especial attention of the trustees to this matter, and hope they will not fail to heed the suggestion.

AN ENLARGEMENT OF THE BUILDING

Is asked by the trustees as follows, to quote from their report:

“The subject of heating is closely related to that of enlarged and improved accommodations to which attention was called in the last report. If additions are to be made to the present edifice, it is important to adjust the heating of the old and of the new apartments in a way to secure unity of plan and involve no waste of expenditure. The postponement from year to year of action for additional accommodations has occasioned delay in the final adjustment of plans for heating. Most of the considerations urged in the last report for an addition to the main edifice are still in force, and the board would respectfully renew their recommendation that the legislature, at its approaching session, appropriate twenty thousand dollars for erecting the walls of an addition, the whole cost of which, when finished, it is estimated will come within the sum of thirty-five thousand dollars.”

The matter of an enlargement of the present edifice has received the earnest and careful consideration of this board. And while we must admit that there is a deal of truth and force in the statement of the trustees, yet in view of the heavy draughts that must be made upon the state treasury for other institutions, and which cannot be delayed, we do not think it advisable that the enlargement of this institute building should be begun at this time.

III. WISCONSIN STATE HOSPITAL FOR INSANE.

Located at Madison.

The Board of trustees of the Hospital is as follows:

Simeon Mills, Madison, term expires, April 1, 1875; David Atwood, Madison, term expires, April 1, 1876; E. W. Young, Prairie du Sac, term expires, April 1, 1877; F. J. Blair, Milwaukee, term expires, April 1, 1878; A. H. Van Norstrand, Green Bay, term expires April 1, 1879.

The officers of the Board are

President—David Atwood.

Vice President—F. J. Blair.

Treasurer—Simeon Mills.

Secretary—Levi Alden.

The Resident Offices of the Hospital are:

Superintendent—Mark Ranney, M. D.

First Assistant Physician—R. M. Wigginton, M. D.

Second Assistant Physician—D. F. Boughton, M. D.

Matron—Mrs. M. C. Halliday.

Steward—Peter Gardner.

This institution was visited twice during the year by the full Board, and a number of other times by individual members.

The following statistics, prepared from official records, present many facts of general interest:

TABLE

Showing the Cost of Construction; cost of Current Expenses; Total cost to State; the Aggregate and Average number of Patients; and average cost per Patient annually and weekly since the foundation of the Hospital.

YEAR.	Cost of construction.	Cost of current expenses.	Total cost to the state.	Whole no. of patients	Average no.	Yearly cost per patient.	Weekly cost per patient.
1856 } 1860 }	\$224,925 33	\$3,875 89	\$228,801 22	45	7	.....	.....
1861 ..	20,724 24	21,602 18	42,326 42	147	90	240 08	461
1862 ..	28,645 06	22,088 49	50,683 55	192	117	196 90	379
1863 ..	7,074 54	31,716 86	38,790 90	254	162	195 75	375
1864 ..	3,351 25	35,311 12	38,662 37	300	187	188 88	363
1865 ..	4,348 26	47,309 78	51,658 04	257	179	264 80	508
1866 ..	2,091 20	40,495 60	42,586 80	272	181	223 73	430
1867 ..	80,112 00	44,118 87	124,230 87	294	185	236 28	450
1868 ..	65,261 97	46,818 00	112,079 97	355	203	230 62	443
1869 ..	35,857 63	71,320 08	107,177 71	455	310	230 06	442
1870 ..	15,361 52	80,518 37	95,879 89	532	362	223 66	430
1871 ..	18,043 26	76,890 61	94,933 87	524	359	214 17	412
1872 ..	19,105 22	86,770 56	105,975 78	531	365	237 43	459
1873 ..	31,875 00	87,563 15	119,438 15	585	329	266 13	512
1874 ..	10,000 00	86,567 08	96,567 08	457	337	250 94	483
Totals.	\$526,876 48	\$782,916 14	\$1,309,792 62				

TABLE

Showing the Statistics of the Hospital from July 14, 1860, to September 30, 1874 (Hospital year ending September 30), for each year.

WHOLE NUMBER.	1860.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	Total
Admitted.....	45	106	89	123	42	87	95	114	175	209	168	154	166	212	148	.....
Discharged	4	44	61	66	180	80	92	114	109	91	172	169	148	271	110	1,661
Recovered.....	1	19	25	37	56	33	42	49	55	51	53	54	60	39	31	605
Improved	1	8	8	16	31	25	30	38	33	14	41	52	26	76	33	415
Unimproved.....	1	7	7	4	36	9	13	22	7	13	46	34	37	134	28	398
Died	1	10	21	9	17	13	7	10	15	13	32	29	25	23	24	243
Treated	45	147	192	254	300	257	272	294	355	455	532	524	521	585	457	2,008
Remaining at end of year.	41	103	131	186	170	177	180	180	246	364	360	355	373	314	347	.....
Males admitted.....	23	50	49	62	59	44	57	57	95	109	82	81	92	115	73	1,046
Females admitted.....	23	56	40	61	53	43	38	59	80	100	86	83	74	89	70	962
Males discharged.....	.....	23	33	44	64	34	50	61	51	58	92	88	83	148	44	868
Females discharged.....	4	21	28	22	66	46	42	53	58	33	80	86	65	123	66	793
Males died .....	.....	3	14	8	9	7	6	7	7	8	18	14	11	9	12	133
Females died.....	1	7	7	1	8	6	1	3	8	5	14	15	14	13	12	115
Males recovered .....	.....	18	12	24	23	16	19	30	25	31	31	23	33	21	11	312
Females recovered.....	1	6	13	13	33	17	23	19	30	20	22	31	27	18	20	293
Daily average each year.....	.....	90	117	162	187	179	181	185	203	310	362	359	365	329	337	.....

RECEIPTS OF THE HOSPITAL:

The following exhibit shows the receipts of the hospital for the year ending Sept. 30, 1874, as appears from the records of the Secretary of the Board of Trustees:

1873		
Oct. 1	Balance in the hands of the treasurer.....	\$9,072 38
Oct. 3	Cash received from state treasurer	18,486 75
1874		
Jan. 10	.....do.....Peter Gardner, steward.....	100 37
Jan. 22	.....do.....state treasurer.....	28,080 33
Jan. 26	.....do.....Peter Gardner, steward.....	500 00
M'h. 19	.....do.....state treasurer.	15,000 00
Ap'l 13	.....do.....do.....	15,000 00
Ap'l 24	.....do.....do.... for gas repairs.....	5,000 00
Ap'l 28	.....do.....Peter Gardner, steward	700 00
July 7	.....do.....state treasurer.....	15,000 00
July 15	.....do.....do	5,000 00
Sept. 30	.....do.....Peter Gardner, steward.....	812 70
	.....do.....all other sources	203 20
	Total	<u>\$107,955 73</u>

EXPENDITURES.

The entire expenditures of the Hospital for the year has been:

For amusement and means of instruction.....	\$1,030 39
Clothing	5,582 17
Drugs and medicines.....	742 23
Farm and barn expenses.....	914 21
Fuel	13,671 92
House furnishing.....	5,061 73
Live stock.....	200 00
Light (exclusive of fixtures)	2,219 68
Liquors	588 46
Managers and trustees' expenses.....	2,732 02
Miscellaneous purposes	670 87
Permanent improvements	9,138 25
Repairs	5,660 06
Subsistence.....	26,146 17
Salaries and wages.....	25,759 76
	<u>\$100,017 92</u>

Leaving a balance to debit of treasurer \$7,937 81

The cost of subsistence in 1872 was.....\$25,946 21

The daily average number of patients 365, making the average
cost, *per capita*..... 71 09+

The cost of subsistence in 1873 was.....\$24,900 33

The daily average number of patients 329, making the average
cost, *per capita*..... 75 69

The cost of subsistence in 1874 was\$26,146 17

The daily average number of patients 337, making the average
cost *per capita* 77 58

COST PER PATIENT.

The cost *per capita*, for current expenses, on the average number of 337, for the past year, was \$269.67, or a weekly cost of \$5.18. This result is obtained from the report of the superintendent to this board, and will be found to differ slightly from the results obtained by the trustees in their report.

APPROPRIATIONS FOR THE ENSUING YEAR.

The trustees anticipate a daily average attendance for the ensuing year of at least 355 patients—18 more than during the present year.

In their report they ask for appropriations as follows:

At the same <i>per capita</i> cost as last year, it will require for the current expenses of 355 patients, say.....	\$95,000 00
Two of the boilers, now in use, have been in service twelve years, and in the event they should hold out during the winter, should be replaced next summer. Two new boilers and setting, will cost.....	3,000 00
	<hr/>
	\$98,000 00
The hospital will receive from the counties for board and clothing of patients, say.....	80,000 00
	<hr/>
	<u>\$68,000 00</u>

Conceding an increase of 18 patients as anticipated by the Board of Trustees, we estimate the amount necessary to be appropriated as follows:

At the same <i>per capita</i> cost as last year, for 337 patients, it will require.....	\$90,879 67
For 18 additional patients at one half the <i>per capita</i> cost	2,426 94
	<hr/>
Requiring for current expenses.....	\$93,306 61
Deduct the amount the hospital will receive by assessment on counties	29,929 76
	<hr/>
Leaves to be appropriated by the Legislature	<u>\$63,376 85</u>

This result has been obtained by a careful calculation, and we would recommend an appropriation of the above amount to meet the current expenses of the Hospital for the year ending February 1st, 1876.

TWO NEW BOILERS NEEDED.

The new boilers asked by the Trustees are greatly needed, and the amount asked for their purchase — \$3,000 — is reasonable and we

recommend an appropriation sufficient to meet the proposed outlay for this purpose.

TABLE

Showing the Population of the Hospital for the year ending September 30, 1874

	Male.	Female.	Total.
Patients in hospital, September 30, 1873.....	149	165	314
Admitted during the year : : : : :	78	70	148
Whole number treated	227	235	462
Discharged recovered.....	11	20	31
Discharged improved.....	13	19	32
Discharged unimproved	7	16	23
Died	12	12	24
Whole number discharged	43	66	109
Remaining September 30, 1874	179	168	347
Daily average number under treatment	166	171	337

Of the one hundred and forty-three (143) admitted during the year, one hundred and eight (108) were received on first admission—56 males and 52 females; thirty-one (31) on second admission—males 14, females 17; one on third admission—female; three on fourth admission—all males.

Of those re-admitted during the year, the time between discharge and re-admission with 3, was less than one year—males 2, females 1; between one and two years, 10—males 5, females 5; between two and three years, 1—female; between three and five years, 1—female; between five and ten years, 2—females; unknown, 18.

NATIVITY OF THE PATIENTS TREATED DURING THE YEAR.

Germany	75	Sweden.....	7
Ireland	50	Isle of Man... ..	1
England	28	New York.....	70
Norway	39	Pennsylvania	17
Wales	7	Ohio	19
Scotland.....	6	Wisconsin	47
Canada	9	Maine.....	5
Nova Scotia	1	New Hampshire	6
Switzerland.....	8	Vermont.....	3
Denmark	4	Massachusetts.....	7
Cuba	1	Connecticut.....	6
Bohemia	6	Rhode Island	1
New Brunswick	1	New Jersey.....	3
France	1	Indiana	8
Bavaria.....	8	Illinois	6
Holland	1	Virginia	1
Poland	3	Unknown.....	8
Total.....			457

NATIVITY

Of those Admitted during the year.

Germany	25	Ohio	9
Ireland	10	Wisconsin	15
England	9	Maine	1
Norway	15	Vermont....	1
Wales	8	Massachusetts.....	2
Scotland	8	Connecticut.....	8
Canada	8	Rhode Island	1
Switzerland	2	New Jersey.....	1
Denmark	2	Indiana.....	2
New Brunswick.....	1	Illinois.....	2
Sweden	2	Virginia	1
New York.....	25	Unknown.....	1
Pennsylvania	4		
Total			<u>143</u>

Of those Discharged during the year.

Germany	19	New York.....	20
Ireland	15	Pennsylvania	4
England	8	Ohio ...	8
Norway	8	Wisconsin.....	18
Wales	8	Maine.....	1
Scotland.....	8	Massachusetts	8
Canada	8	Connecticut	1
Switzerland.....	1	New Jersey	1
Denmark	1	Illinois.....	1
Bohemia.....	2		
Sweden.....	1	Total.....	<u>110</u>

THE OCCUPATIONS

Of the whole number of Male Patients Treated during the year.

Farmers	84	Telegraph Operator	1
Laborers.....	45	Machinists.....	8
Teachers.....	3	Physicians.....	4
Tailors	6	Soldier	1
Printers	2	Shoemaker	1
Painters	4	Masons	2
Vagrant	1	Brewer	1
Miners	3	Photographer	1
Clerks	8	Dentist	1
Blacksmiths	5	Butcher	1
Carpenters	11	Manufacturer	1
Merchants	7	Barber	1
Tinsmiths	2	Clergymen.....	2
Students ...	8	Gambler	1
Miller	1	None.....	8
Lawyers	2	Unknown.....	7
Sailors.....	2		
Peddlers.....	2	Total	<u>222</u>

OCCUPATIONS

Of the males received during the year:

Farmers	29	Butcher	1
Laborers	13	Blacksmiths	3
Tailors	3	Carpenters.	3
Painters	2	Merchants	3
Clerks.....	8	Students.....	2
Lawyer	1	Barber.....	1
Machinist	1	Clergymen.....	2
Physician	1	Gambler.....	1
Peddler	1	None.....	2
Manufacturer	1		
Total.....			<u>73</u>

Of the male patients discharged cured during the year:

Farmers	6	Tailor	1
Laborers	2	Jack-at-all-trades.....	1
Clerk ..	1		
Total.....			<u>11</u>

Of males discharged unimproved (incurable):

Farmers	4	Merchant	1
Laborers.....	2		
Total.....			<u>7</u>

Of females treated during the year:

Housekeepers.....	156	Physician	1
Servants	44	Bookkeeper.....	1
Dressmakers	8	None.....	15
Student.....	1	Unknown.....	5
Teachers	4		
Total.....			<u>235</u>

Of the female patients received during the year:

Housekeepers.....	42	Bookkeeper.....	1
Servants	19	None.....	2
Dressmakers	4	Unknown.....	1
Teacher	1		
Total.....			<u>70</u>

Of female patients discharged cured during the year:

Housekeepers	13	Servants	4
Bookkeeper.....	1	Seamstress	1
Teacher	1		
Total.....			<u>20</u>

Of female patients discharged incurable:

Housekeepers	13	Servants	1
None	2		
Total.....			<u>16</u>

CIVIL CONDITIONS OF THOSE ADMITTED.

	IN THE YEAR.			FROM THE BEGINNING.		
	Male.	Female	Total.	Male.	Female.	Total.
Single	40	26	66	531	264	795
Married	27	34	61	440	595	1,035
Widdowers	6	.....	6	32	.....	32
Widows .....	.....	10	10	.....	85	85
Divorced .....	.....	.....	.....	2	4	6
Unknown .....	.....	.....	.....	41	14	55
Total	73	70	143	1,046	962	2,008

RECOVERED

After various durations of disease before treatment from the beginning.

DURATION OF DISEASE BEFORE ADMISSION.	NUMBER ADMITTED.			NUMBER RECOVERED.			PER CENT. RECOVERED.		
	Male.	Fem.	Total.	Male.	Fem.	Total.	Male.	Female.	Total.
Less than 3 mos.	320	253	573	148	124	272	46.25	49.01	47.48
Bet. 3 and 6 mos.	121	748	259	56	60	116	46.28	41.66	43.12
6 and 12 mos.	124	133	257	29	38	67	23.38	28.57	26.07
1 and 2 yrs.	103	107	210	12	17	29	11.65	15.89	13.80
2 and 3 yrs.	64	60	124	10	9	19	15.62	15.00	15.32
3 and 5 yrs.	63	64	127	6	11	17	9.90	17.19	13.38
5 and 10 yrs.	50	60	110	2	3	5	4.00	5.00	4.55
10 and 20 yrs.	21	28	49	2	1	3	9.90	3.57	6.12
20 and 30 yrs.	7	7	14	.....	.....	.....	.....	.....	.....
Over 30 yrs.	.....	2	2	.....	.....	.....	.....	.....	.....
Unknown	172	101	273	47	30	77	27.38	29.70	28.20
Total	1,046	962	2,008	312	293	605	29.91	30.45	30.12

REMAINING AT THE END OF THE YEAR—PROSPECTS.

	Male.	Female.	Total.
Curable	15	30	45
Incurable	164	133	297
Total	179	163	342

IV. NORTHERN HOSPITAL FOR THE INSANE,

Located at Oshkosh.

The Trustees of the Hospital are as follows:

A. M. Skeels, Ripon; Charles D. Robinson, Green Bay; J. T. Kingston, Necedah; D. W. Maxon, Cedar Creek; Thomas D. Grimmer, Oshkosh.

The officers of the Board are:

President—C. D. Robinson.

Secretary—A. M. Skeels.

Treasurer—Thomas D. Grimmer.

The Resident Officers are:

Superintendent—Walter Kempster, M. D.

Assistant Physician—J. H. McBride, M. D.

Steward—Joseph Butler.

Matron—Mrs. L. A. Butler.

This institution has been twice visited by our Board during the year. At each visit a thorough inspection of the Hospital was made. Every department was examined carefully and critically; and it affords us pleasure to bear testimony to the very satisfactory management that has prevailed at this hospital during the year that has closed.

UNFOUNDED CHARGES AGAINST THE HOSPITAL.

However, this institution has suffered its share of abuse and scandal. Early in the summer of the present year, an article appeared in the columns of a Chicago paper, having an extended circulation in this state, containing serious charges against the management of the Hospital. This attack was full of venom, and was especially intended to injure the Superintendent, Dr. Kempster.

This Board, in the discharge of its prescribed duty, and in justice to the public and to the parties against whom these attacks were directed, determined to investigate these charges at the earliest practicable moment, and accordingly met at Oshkosh on the 15th of July, 1874, for that purpose. On the succeeding day, the Board

made a rigid examination of the Institution in all its parts, including its books and records.

Reference had been made to persons who, though not then, had formerly been connected with the Hospital, and who were represented as having personal knowledge of the offences charged in the aforesaid newspaper articles; and as some of these persons were absent at this time, a committee, consisting of Mr. Elmore and the Secretary, was appointed and directed to see the parties referred to and ascertain what they had to say concerning these charges of mismanagement.

Subsequently these parties were seen by the committee and questioned, when they severally disclaimed being the authority for the statements made in the article referred to, but, on the contrary, assured the committee that they regarded the charges to be wholly without foundation and utterly unwarranted by the facts.

The committee spared no pains to reach the truth in this matter, and report that they are convinced that the said charges are a malicious fabrication, absolutely without any foundation in fact. They take great pleasure in wholly exonerating Dr. Kempster from every vestige of suspicion that may have been thrown upon him by the reckless writer of this article.

The committee conclude their report by condemning in severest terms the disreputable practice of publishing sensational articles of this sort in the public print, regardless of the injury to be done to a great public institution, and the persons having it in charge.

FINANCIAL STATEMENT.

This Hospital was erected by authority of a law passed by the legislature of 1870. There has been drawn from the State Treasury for the benefit of this institution up to Sept. 30, 1874, the sum of \$569,013.97, as exhibited by the following:

TABLE

Showing cost of construction, including permanent improvements; cost of current expenses; total cost to the state; aggregate and average number of patients; the yearly and weekly cost per patient, from foundation until Sept. 30, 1874.

YEAR.	Cost of Construction.	Cost of Current Expenses.	Total Cost to State by Legislative Appropriation.	Whole No. of patients.	Average number.	Yearly Cost per patient.	Weekly Cost.
1870 ..	\$3,061 46	.....	\$3,061 86	.....	.....	.....	.....
1871 ..	65,119 78	.....	65,119 78	.....	.....	.....	.....
1872 ..	173,891 55	.....	173,891 55	.....	.....	.....	.....
1873 ..	164,927 21	\$33,750 00	198,677 21	214	.....	.....	.....
1874 ..	65,712 63	*62,551 34	128,263 97	306	232½	\$268 46	\$5 16
Total.	\$472,712 63	\$96,801 34	\$569,018 97	.....	.....	.....	.....

THE SOUTH WING.

The legislature of 1874 appropriated to the Northern Hospital the sum of ninety thousand dollars (\$90,000) to be used for the purposes of putting in the foundation, building the walls and the roof of the south wing thereto. In pursuance of the law, the building committee, consisting of Messrs. Maxon and Grimmer, of the board of trustees, made the following report to the board on the 21st day of October, 1874, in relation to the disbursement of the \$90,000 appropriated:

Amount of contract.....	\$84,449 00
Additional work ordered by Board.....	1,689 39
Advertising proposals for building South wing.	105 00
Due building committee for service and expense:—	
T. D. Grimmer.....	184 40
D. W. Maxon.....	164 38
	<hr/>
	\$86,592 17
Balance	<hr/>
	\$3,407 83

From this balance the architect's fees must be deducted. Just what amount should be deducted for this purpose we are not advised, as the trustees in their report furnish no information.

ESTIMATES FOR THE ENSUING YEAR.

The Trustees of the Hospital ask an appropriation from the next legislature of two hundred and twenty-two thousand six hundred

* This amount includes \$6 301.34 received by assessment on counties.

and fifty dollars (\$222,650) for the ensuing year, for the following specified purposes, to-wit:

Estimated cost of completion of south wing, air ducts, heating apparatus, rain water reservoir, gas fixtures and sewerage	\$98,700 00
Estimated cost of furnishing south wing for 250 patients.....	18,750 00
Estimated cost of maintenance of 250 patients for six months ..	29,250 00
Estimate for current expenses of present hospital, etc., repairs included—	
Maintenance of 250 patients.....	58,500 00
Furniture	4,000 00
Farm, garden and improvements.....	4,450 00
Apparatus for laboratory	2,000 00
Machinery for carpenter and machine shop.....	1,200 00
Pig sty.	800 00
There is also required to pay expense incurred in 1873, for preparing additional room for 50 patients by order of Gov. Washburn	5,000 00

We have examined with great care each and every one of the above estimates. To enable us in reaching safe conclusions as to the correctness of these estimates, we have required an itemized statement of the expense proposed to be met by the appropriation asked. The amount asked for the completion of the south wing, is based upon the architect's estimates as set forth in the following detailed statement:

2,100 yards paring in cellar at \$1.10.....	\$2,810 00
2,700 yards plastering at 30c	8,100 00
7,000 yards deafening at 12c.....	840 00
3,500 yards marble floor bath rooms at \$1	8,500 00
500 yards marble base at 70c.....	350 00
Registers and ventilators.....	1,700 00
Window guards.....	2,400 00
Iron stairs.....	2,800 00
Sash weights	400 00
Galvanized iron cornice and conservatories.....	5,600 00
70,000 deafening boards at 20c.....	1,400 00
wood sash	700 00
iron sash	1,400 00
45,000 feet maple flooring $1\frac{1}{4}$ at 85c.....	8,825 00
65,000 feet pine flooring $1\frac{1}{4}$ at 55c.....	8,575 00
Doors and frames.....	4,750 00
Dumb waiters and dust flues.....	550 00
Carpenter labor.....	6,400 00
Hardware and nails.....	2,600 00
Air duct in roof.....	1,850 00
Window backs base and architraves	2,200 00
Wood stairs	1,150 00
Plumbing and gas fitting.....	5,800 00
Cisterns and rain water conductors.....	5,000 00
Cold air ducts	2,500 00
Heating apparatus.....	18,000 00
Architect's fees, etc.....	4,000 00
	<u>\$98,700 00</u>

FURNISHING SOUTH WING.

The sum of \$18,750.00 is asked to cover the expense of furnishing the south wing for the reception of 250 patients. We have critically examined each item of expense proposed to be incurred for this purpose, and we are satisfied that the amount is reasonable and necessary, and therefore recommend the appropriation of the amount asked.

CURRENT EXPENSES FOR ENSUING YEAR.

The estimated cost for current expense, aggregates \$87,750.00. Admitting that it will require this amount for current expenses, the Trustees have erred in asking so large an appropriation from the legislature, as they have overlooked the sum of \$22,373.73, which the hospital will receive during the ensuing year from assessment on counties. From \$87,750 asked, deduct the sum of \$22,373.73, assessed on counties, leaves \$65,376.27 to be appropriated by the legislature.

IMPROVEMENTS ON FARM, ETC.

The sum of four thousand four hundred and fifty dollars (\$4,450), is asked for improvements, fences, agricultural implements, etc., in and about the farm and garden.

We think by judicious management \$3,000 can be made to cover the outlays upon which this estimate is based, and would recommend the appropriation of that amount for this purpose.

FURNITURE FOR PRESENT BUILDING.

An appropriation of \$4,000.00 is asked for the purchase of furniture for the wards. The hospital needs this furniture, but we think \$3,000, by a careful husbandry of means, can be made to meet the expense proposed to be incurred for this purpose.

MACHINERY, TOOLS, ETC.

The following is a statement of the machinery for carpenter and machine shop, for the purchase of which an appropriation of \$1,200 is asked:

One buzz saw, frame and table.....	\$105 00
One plainer	275 00
One lathe.....	120 00
<i>For engineer's room—</i>	
One lathe.....	500 00
One screw cutter.....	200 00
Total.....	<u>\$1,200 00</u>

BACK INDEBTEDNESS.

The following is a detailed statement of expenses incurred in altering attics to prepare them for wards, and furniture to accommodate fifty patients, in accordance with directions received from Governor Washburn. See reports of 1873 and 1874:

E. P. Allis & Co., for iron soil pipes for water-closets	\$285 00
R. M. Hutchinson, for bath tubs, permanent wash-bowls, pipe for hot and cold water and for waste, with faucets, nails, etc..	460 00
J. A. Day & Co., lime and hair	20 10
J. B. Davis, labor and pipe	110 00
Goldsmith & Co., mattresses.....	762 00
Goldsmith & Co., sheeting.....	263 00
McFeiridge, Burchard & Co., blankets	1,555 20
Empire Chair Co., chairs.....	48 00
Brand & Cole, bedsteads.....	216 00
Field, Leiter & Co., pillows, sheeting, towels	402 63
Brand & Cole, tables	40 00
Steadman & Co., table furniture.....	85 00
Mason & Helper.....	85 25
Carpenter & Helper	100 50
Foster & Jones, lumber	73 00
For bath tub, two pipes and changing stairs ward 14	475 00
Total.....	<u><u>\$4,704 68</u></u>

Concerning this expenditure, Dr. Kempster, the Superintendent, in his report, says:

"There will be a slight deficiency this year, notwithstanding the fact that we have not expended the entire amount of appropriation made by the legislature of 1874. That the matter may be fully understood, I will briefly mention the facts. The legislature of 1872-3 made an appropriation for the care and maintenance of 150 patients, but before the summer of 1873 was half over, we had already received upwards of 200 patients, and these we were obliged to feed and cloth from the original fund, making heavy inroads upon our current expenses. In addition to this demand, was the still more serious one of paying for the additional work done to accommodate the extra number. As we stated on page 15 of the first annual report, the rooms marked infirmary and museum on the plans, were so arranged as to accommodate fifty additional patients; this change involved an expenditure for all purposes of five thousand dollars, and this sum of money was promised us, that the rooms might be made available for the increased number of patients. The money was not furnished, but the necessary work had been done, and we were obliged to draw from our already depleted current expense fund, to meet payments for making the

alterations, and for furniture, bedding, etc. This matter was fully explained to the legislative visiting committee at their annual visit in 1874, and it was also brought before some of the members of the legislature of 1874, but no action was taken, and we are still carrying the amount. The changes mentioned were recommended by the Governor, after a personal examination, and it was for the purpose of taking as many of these unfortunates from jails and poor houses as possible, that led to the alteration, particularly as so large a number could be provided for at such a moderate outlay. The rooms thus arranged contain at present 50 patients, and the institution has been permanently enlarged so that instead of accommodating 150, we now have 250 in the hospital. We shall require five hundred dollars to put a permanent bath room in ward 13 (the room marked museum on the plan), and to change the stairs leading to the ward, which are now obstructed by the dumb waiter passage. With this addition, these two wards (13 and 14) will be as comfortable as any in the building. In the south wing now in process of construction, the plans have been so arranged as to include the corresponding wards in the completion of the work, and when it is finished, they will be ready for occupancy. It will necessarily be to ask for an appropriation of five thousand dollars to make good our current expense fund."

This indebtedness the institution is now carrying by drafts upon its current expense fund. As the expenditure was judiciously and economically made, we recommend the appropriation as asked.

\$2,000 ASKED FOR LABORATORY PURPOSES.

It affords us especial pleasure to endorse this recommendation for appropriation. The Hospital is practically without any laboratory, save a few personal effects—which are the private property of Superintendent Kempster. Dr. Kempster has acquired an enviable reputation among the scientists in the study of insanity, through the success which has attended his micro-photographic experiments. These experiments and their practical application have received the highest endorsement in the scientific world. The investigations which he has conducted have gone far to establish the hitherto unsettled question as to whether insanity is a disease to be treated like other diseases or a mere spiritual, emotional derangement apart from any disorganization of the physical structure. The photo-micrograph in its use for the examination of the dis-

eased brain, is the invention of Dr. Kempster, and is thus peculiarly a Wisconsin possession. His researches should receive a hearty home endorsement. Application has already been made to him for specimen plates, from sister states, with a view of laying the matter before the legislatures there, at whose hands the necessary means will be obtained for the prosecution of this important work. Great success has already attended these investigations. Still greater success is confidently expected. We invite from your Excellency and the legislature a careful examination of the following extract upon this subject, taken from Dr. Kempster's recent report:

"As intimated in the first report, microscopic investigations into the condition of the brains of the insane, have been continued during the past year. These investigations were commenced by myself, while I was connected with the New York State Lunatic Asylum, and were the first of the kind made in any asylum in this country; the results obtained here bear out the experience acquired there. In certain forms of insanity, conditions are found common to that form in every case thus far examined, and in no case have I failed to find distinct lesions, absolute departures from the healthy condition. The number of cases examined enable me to speak with some degree of confidence relative to this important matter, and stimulates a desire to continue my researches in this direction, and I am led to hope that we may be enabled to further our opportunities by receiving an appropriation during the coming winter sufficient to enable us to procure all necessary apparatus to carry on the work. This hospital is the first in the United States, where microscopy and photomicrography have been from the date of its organization systematically carried on, and it is my earnest desire to maintain the position taken, and not allow others to outstrip us in a work projected by myself, and which I have labored hard to perfect. That this matter is fully appreciated by some of the most prominent medical men of the state whose attention has been called to the subject, I herewith transcribe portions of the reports of the visiting physicians made since our organization:

'Having now completed my quarterly examination for the year, I would, both as a medical examiner and as a citizen to whom the success of this institution is very dear, call your attention to what I consider the *great* duty of the board of trustees, viz:

'To make a complete success of any institution of this charac-

ter, they must with all their other duties become also *nurseries* for *scientific attainment*, I say right where the experience is, there let the difficulties of whatever nature be sought out. I would herewith most earnestly entreat that there be facilities furnished to the superintendent to inaugurate and organize the systematic carrying out of all chemical and microscopic examinations, also photography and photo-micrography, for I most firmly believe that this will prove the great *highway* whereby we may arrive at the *highest* and *best* treatment of insanity.

‘Thus you may be benefactors not only to the unfortunates within your walls, but to the whole scientific world.

‘With thanks for your kindness, Respectfully,

‘D. COOPER AYRES, M. D.’

* * * ‘Believing, however, that the investigations through the agencies of the microscope and photography of the brain and nervous system of the insane, pursued by the superintendent are of paramount importance, showing in all cases of insanity a pathological condition of the brain, thereby justifying the use of appropriate remedies for the restoration of this most important of all organs to a physiological and consequently sane state; placing the treatment of insanity on the same basis as other disordered functions of organs. In this light, the importance of such investigations cannot be overestimated.

‘In alluding to this subject, my object is to impress, as far as I can, its importance on the minds of the board of trustees, that the necessary means—both time and money—be furnished the superintendent for prosecuting his investigations in this almost totally unexplored but most interesting field of inquiry.” * * *

“E. B. WOLCOTT, M. D.”

* * * ‘I would most earnestly recommend that every possible aid and appliance necessary to perfect the valuable microscopic researches of the diseased brain structure, at different stages of insanity, (be supplied) as an invaluable means of not only perfecting this branch of medical science, but also as a means of actual prevention.

“G. F. WITTER, M. D.”

The precise information acquired relative to other forms of bodily infirmity has been gathered from experience obtained in general hospitals, and it is from this source alone that we can hope to ob-

tain precise knowledge upon this subject which will aid us to a full and complete understanding of this terrible infirmity, and enlighten us as to the best methods of alleviating, or at least ameliorating the condition of these unfortunates. The brain is not the only organ we have to deal with in the insane; other portions of the organism are involved, and present symptoms usual to these abnormal states, but so masked and covered up by the neurotic element as to pass unobserved; unless special training in the wards of a hospital shall have fitted the observer for detecting the course of the disease. To make these institutions successful, inducements should be held out to men of character and education to engage in the study of the specialty, and fit themselves in every way to accomplish the most satisfactory results. As this is an important point, and has particular reference to the future welfare of this and other institutions of like character, it deserves more than a passing notice. We can do no better than to use the words of a writer commenting upon this subject in the *Journal of Mental Science*. He says:

“In a properly organized asylum, the medical officers have remarkable opportunities for engaging in original work of the most interesting description. Yet it cannot be denied, nay, on the contrary, it is universally admitted and deplored, that they do not sufficiently avail themselves of them. If medical superintendents desire to create an enthusiasm in their assistants for the specialty, let them encourage them to do original work. There are, unfortunately, some men unable or unwilling to undertake real scientific labor; they are content to get along as easily as possible by a strict attention to routine duties; their ample leisure they fill up with desultory reading and social enjoyments. It is doubtless very pleasant for a junior officer to be entertained at dinner by his senior; but without admitting socialities, a real benefit would be conferred on the assistant, did the superintendent but urge him to improve his time and opportunities. When we consider their relations, the medical superintendent labors under a grave responsibility in regard to the manner in which he directs the work, reading and thought of his junior, a man, as a rule, fresh from college, and rather apt, perhaps, to relax somewhat in his devotion to study. It is greatly to be feared that some really able men have been driven from the specialty, and that others, industrious and eager for work, have been forced into unpleasant relations with their senior officers,

because of a disinclination on the part of the superintendents to facilitate the efforts of their assistants in the prosecution of genuine work. Is it to be wondered at that a man quits a specialty when he sees his senior utterly absorbed in studying the quality of shoe ties, the cut of a cap, and the immensely important subject whether a woman's dress has six or seven hooks upon it."

We trust, for the honor of our specialty, that these remarks may not be permitted to apply to this hospital, for lack of opportunity to carry on the scientific work referred to, especially as all concerned are not only willing, but anxiously awaiting the time, when we shall have means furnished to enable us to prosecute this work efficiently. It will certainly redound to the credit of the institution and to the honor of the state."

RECEIPTS AND DISBURSEMENTS FOR THE YEAR.

The following is a summary of the detailed statement of receipts and disbursements of the hospital for the year ending Sept. 30, 1874, as reported to this board by the Superintendent:

RECEIPTS.

Cash on hand Oct. 1st, 1874.....	\$29,805 21	.....
Received from state treasurer.....	70,551 34	.....
For hides, pelts and tallow	632 81	.....
For board and clothing.....	608 82	.....
From Spangler and Marrs, contractors artesian well, for board, fuel, etc	357 10	.....
	<hr/>	\$101,955 28

DISBURSEMENTS.

For amusement and means of instruction.....	\$129 78	.....
clothing.....	2,694 29	.....
drugs and medicines	1,129 46	.....
farm and barn expenses	2,100 37	.....
fuel	21,643 79	.....
house furnishing.....	5,363 78	.....
live stock.....	374 00	.....
lights (exclusive of fixtures)	420 62	.....
liquors	29 05	.....
manufacturing expense.....	88 97	.....
miscellaneous purposes	4,880 47	.....
permanent improvements.....	4,482 23	.....
repairs (ordinary).....	2,013 68	.....
trustees' expenses.....	389 83	.....
subsistence	16,576 63	.....
salaries.....	20,057 69	.....
	<hr/>	82,374 64
Balance on hand Oct. 1, 1874.....	.....	<u><u>\$19,580 65</u></u>

TABLE

Showing the population of the Hospital for the year ending Sept. 30, 1874.

	Men.	Women.	Total.
Remaining under treatment Sept. 30, 1873	102	103	205
Admitted during the year	54	47	101
Whole number under treatment	156	150	306
Discharged	80	26	56
Discharged recovered	10	5	15
Discharged improved	8	6	14
Discharged unimproved	3	8	5
Discharged not insane		1	1
Died	10	11	21
Remaining under treatment Sept. 30, 1874	126	124	250

ADMISSIONS.

As a large portion of the patients of the Hospital were transferred from the Madison Hospital, without being accompanied with their record, therefore it is impossible to give their history of admissions and re-admissions.

NATIVITY

Of the patients treated during the year.

Germany	95	Ireland	37
Norway	11	New York	37
Wisconsin	26	Canada	11
England	10	Vermont	8
Pennsylvania	8	Ohio	7
Massachusetts	9	Wales	4
Switzerland	3	Maine	4
Austria	4	New Hampshire	4
Denmark	4	Missouri	1
Maryland	1	Michigan	1
Illinois	1	Rhode Island	1
Sweden	1	Belgium	1
Connecticut	1	Unknown	20
Total			306

Of those admitted during the year:

	Men.	Women	Total.
Germany.....	16	21	37
New York.....	7	10	17
Ireland.....	7	5	12
Wisconsin.....	6	4	10
Massachusetts.....	3	3	6
Norway.....	3	2	5
Denmark.....	2		2
New Hampshire.....	1	1	2
England.....	1	1	2
Canada.....	1		1
Austria.....	1		1
Vermont,.....	1		1
Maine.....	1		1
Pennsylvania.....	1		1
Ohio.....	1		1
Wales.....	1		1
Unknown.....	1		1
Total.....	54	47	101

Of those discharged:

Germany.....	18	Ireland.....	7
New York.....	7	Vermont.....	3
Wisconsin.....	4	Ohio.....	2
Massachusetts.....	3	Sweden.....	1
Rhode Island.....	1	England.....	4
Pennsylvania.....	1	Canada.....	1
Maine.....	1	Norway.....	1
Total.....			56

THE OCCUPATION

Of the whole number of patients treated during the year.

Farmers.....	54	Teachers.....	3
No occupation.....	5	Farmer's sons.....	7
Lumbermen.....	3	Carpenters.....	6
Bakers.....	2	Shoemakers.....	1
Butchers.....	1	Clerks.....	3
Sailor.....	1	Clergymen.....	1
Artist.....	1	Type setters.....	2
Tailors.....	3	Color mixer.....	1
Bookkeeper.....	1	Gardner.....	1
Miller.....	1	Merchant.....	1
R. R. Conductor.....	1	Machinists.....	2
Fisherman.....	1	Bricklayer.....	1
Druggist.....	1	Laborers.....	39
Unknown.....	13		
Total.....			156

Of the males received during the year.

Farmers	20	Laborers.....	15
Teachers.....	2	Farmer's sons.....	8
Carpenters ...	3	Type setters.....	1
Clerks	2	Tailors	2
R. R. Conductor.....	1	Machinists.....	2
Fisherman ...	1	Bricklayer.....	1
Druggist.....	1		
Total.....			<u>54</u>

Of the whole number discharged during the year.

Farmers	15	Laborers	6
Bookkeeper.....	1	Farmers sons	2
Lumberman	1	Teachers	1
Shoemaker.	1	Railroad conductor.....	1
Machinist	1	No occupation.....	1
			<u>80</u>

Of the male patients discharged cured during the year:

Farmers	5	Laborer	1
Farmers sons	2	Lumberman	1
Shoemaker	1		
			<u>10</u>

Of the male patients discharged unimproved during the year.

Farmer	1	Laborer.....	1
			<u>2</u>

Of the whole number of female patients treated during the year.

Housekeepers.....	84	Servants.....	18
Teachers	10	Farmers daughters.....	7
No occupation.....	5	Seamstresses	8
Factory operatives...	2	Milliner.....	1
Unknown.....	5	Farmers wives.....	15
			<u>150</u>

Of the female patients received during the year:

Housckkeepers.....	35	Servants	5
Teachers	2	Farmer's daughters.....	2
Seamstress.....	1	No occupation	2
			<u>47</u>

Of the female patients discharged cured during the year:

Housekeepers	3	No occupation	1
Teachers.....	1		
			<u>5</u>

Of the female patients discharged unimproved during the year:

Housekeepers	1	No occupation....	1
			<u>2</u>

REMAINING AT END OF YEAR.

	Men.	Women.	Total.
Single males.....	83	46	129
Married males.....	54	80	134
Widowers	4	14	18
Unknown			15
Divorced			10
Total.....	141	140	306

CIVIL CONDITION OF THOSE ADMITTED.

	Men.	Women	Total.
Married.....	26	26	52
Single.....	25	14	39
Widowed.....	1	5	6
Divorced	1	2	3
Unknown	1	...	1
	54	47	101

CIVIL CONDITION OF THOSE DISCHARGED.

	Men.	Women	Total.
Single males	10	6	16
Married males	18	15	33
Widowers		4	4
Divorced			2
Unknown			1
Total.....	28	25	53

V. INDUSTRIAL SCHOOL FOR BOYS.

[Located at Waukesha.]

The trustees of the institution are as follows:

Terms expire April 3, 1875—Andrew E. Elmore, Fort Howard; Samuel A. Randles, Waukesha.

Terms expire April 3, 1876—William Blair, Waukesha; Edward O'Neill, Milwaukee.

Term expires April 3, 1877—Charles Jonas, Racine.

The officers of the board are:

President—Edward O'Neill.

Vice-President—William Blair.

Treasurer—Andrew E. Elmore.

Secretary—Charles R. Gibbs.

The officers of the school are:

Superintendent—A. D. Hendrickson.

Matron—Mrs. O. D. Hendrickson.

Two visits were made to this institution by our board, during the year. At each visit the school was closely examined in all its departments.

COST OF THE INDUSTRIAL SCHOOL FOR BOYS.

By a law approved March 7, 1857, "A House of Refuge for Juvenile Delinquents in the State of Wisconsin," was authorized to be erected under the direction of three commissioners, and when completed to be turned over to the managers to be appointed by the Governor. In 1859, the name was changed to State Reform School and subsequently to its present name.

On July 25, 1860, the building was opened for the reception of inmates.

The institution started with seventy-one acres of ground, sixty of which was donated by the citizens of Waukesha, and the cost of that purchased was \$1,080.

The cost of the building and fencing when the property was turned over to the managers, including all the expenses of the commissioners was \$45,265.69.

This building was entirely consumed by fire together with much furniture put in by the managers. Eleven thousand dollars was obtained from insurance, thereon, but that amount would not pay for the furniture destroyed, and the subsequent loss of old buildings by fire, and losses caused by temporary barracks; so that the present buildings and the fencing, grading, flagging, and nursery, substantially represent the amount charged in the building account.

Which will be seen as per table amounts to	\$127,428 29
The current expense account was	341,776 45
Paid for land in 1866	7,500 00
Paid for land in 1871	5,000 00
Amount reported as balance for this year	18,940 85
Total	\$500,645 57
Appropriations by legislature	\$429,000 00
Received from counties	55,116 50
Other sources, mostly labor of inmates	16,529 17
	\$500,645 67

Which by the books balances, within ten cents. The farm now contains 230 acres and is continually growing in value.

TABLE

Showing amount expended each year; number of inmates and cost of support.

YEAR.	Current Expenses.	Building, etc.	Total.	Whole No. of Pupils.	Average No. of Pupils.	Yearly Cost per Pupl.
1860..	\$4,953 81	.....	\$4,953 81	39	39	\$127 02
1861..	5,879 17	\$1,142, 62	7,051 79	58	45	130 65
1862..	5,861 21	509 63	6,370 84	80	65	90 17
1863..	6,916 22	347 75	7,263 97	98	83	83 33
1864..	12,456 53	3,500 00	15,956 63	155	145	85 10
1865..	19,756 47	747 91	20,504 88	245	170	116 21
1866..	24,026 14	29,804 76	53,830 90	209	160	150 60
1867..	24,247 56	13,355 35	37,602 91	217	162	149 68
1868..	26,741 83	11,178 03	37,919 86	227	165	162 07
1869..	24,982 34	4,507 87	29,490 21	233	178	140 35
1870..	32,103 04	13,449 12	45,552 16	293	206	153 41
1871..	32,387 95	3,429 59	35,817 54	288	259	125 05
1872..	36,538 70	12,809 59	49,348 29	347	284	128 66
1873..	41,472 46	27,000 00	68,472 46	362	286	145 01
1874..	43,453 02	5,646 05	49,099 07	402	293	148 03
Total	\$341,776 45	\$127,428 27	\$469,204 72	.....	.....	.....

FROM WHAT SOURCES DERIVED.

YEAR.	Appropriated by Legislature.	Paid by Counties.	From Other Sources.	Total.
1860 ...	\$3,500 00	.....	\$63 48	\$3,563 48
1861 ...	12,500 00	.....	.....	12,500 00
1862 ...	6,000 00	.....	.....	6,000 00
1863 ...	4,000 00	\$3,364 50	50 00	7,414 50
1864 ...	9,500 00	2,504 50	.....	10,004 50
1865 ...	20,500 00	2,325 50	.....	22,825 50
1866 ...	61,000 00	4,092 50	.....	65,092 50
1867 ...	33,000 00	3,751 50	1,200 00	37,951 50
1868 ...	35,000 00	3,730 50	120 00	38,850 50
1869 ...	25,000 00	4,273 00	.....	29,273 00
1870 ...	37,000 00	4,437 00	2,480 72	43,917 72
1871 ...	53,000 00	5,228 00	1,895 65	60,123 65
1872 ...	33,450 00	6,056 00	2,167 10	41,673 10
1873 ...	64,500 00	7,165 00	3,641 64	75,306 64
1874 ...	31,000 00	8,188 50	4,910 58	44,099 08
Total ..	\$429,000 00	\$55,116 50	\$16,529 17	\$500,645 67

THE RECEIPTS AND DISBURSEMENTS

Of the Institution for the year have been:

RECEIPTS.

On hand Oct. 1, 1873	\$20,250 43	.....
Received from state treasurer, as paid by counties .	8,188 50	.....
Appropriated by legislature of 1874.....	31,000 00	.....
Transferred from building account, as directed by legislature.....	2,951 55	.....
To close building account, to balance	92 81	.....
Received from superintendent	4,910 58	.....
Total.....		\$67,393 87

DISBURSEMENTS.

1 Amusements and means of instruction.....	\$1,044 43	.....
2 Clothing	3,909 90	.....
3 Drugs, medicine and medical service.....	595 19	.....
4 Farm and barn expenses (exclusive of salaries and wages.....	1,194 65	.....
5 Fuel	2,038 51	.....
6 House furnishing.....	4,158 80	.....
7 Laundry and cleanliness.....	390 26	.....
8 Live stock.....	210 00	.....
9 Lights (exclusive of fixtures).....	540 17	.....
10 Liquors .....	.....	.....
11 Managers' expenses.....	381 70	.....
12 Manufacturing	2,166 46	.....
13 Miscellaneous purposes	1,501 87	.....
14 Permanent improvements	4,368 77	.....
15 Repairs, ordinary.....	1,399 99	.....
16 Salaries and wages.....	13,939 80	.....
17 Subsistence, breadstuffs.....	5,083 67	.....
18 Butter, coffee, eggs, fruit and lard.....	1,779 91	.....

19 Meat—beef, mutton, pork, fish and poultry.....	1,468 45	.....
20 Sugar, white and brown	1,484 60	.....
21 Tea	92 22	.....
22 Vegetables	380 69	.....
23 Miscellaneous articles of subsistence.....	323 38	.....
Total		<u>\$48,453 02</u>
Balance		<u>\$18,940 85</u>

Since its opening, in July, 1860, the whole number of children sent to this institution, is, 1,081. Of this number 73 were girls.

THE POPULATION OF THE YEAR

Has been as follows:

Number in school, October 1, 1873.....	281
committed during the year.....	113
recommitted .....do.....	3
returned from out on ticket of leave.....	4
returned escapes of past year	2
Total.....	<u>403</u>
Number returned to parents or guardians on ticket of leave	50
out to place on ticket of leave.....	26
returned, illegally committed	8
sent to the Deaf and Dumb Asylum	1
out on furlough	4
of deaths.....	7
of escapes	10
on record, October 1, 1874.....	301
Total.....	<u>403</u>
Smallest number at any time during year.....	281
Largest.....do.....	305
Average.....do.....	<u>293</u>

TABLE

Showing the offense for which they were committed.

	Previous years.	Past year.	Total.
Vagrancy	46	14	60
Larceny	105	48	153
Incorrigibility.....	130	44	174
Burglary	4	5	9
Arson	1	.....	1
Assault and battery	1	1	2
Intoxication .....	.....	2	2
Misdemeanor .....	.....	1	1
Totals	287	115	402

Of the one hundred and fifteen committed during the year, 77 were born in Wisconsin.

Of the whole number of inmates, during the year, 355 were born in America; 33 were born in foreign countries; 34, birth-place unknown.

NATIONALITY OF PARENTS,

Of those in the school this year, is as follows:

Americans	123	Bohemian	6
Germans.....	74	Welsh	3
Irish	61	Polish	4
French	15	Hollander.....	3
Norwegian	9	Colored.....	14
English	37	Danish	2
Scotch.....	6	Unknown.....	45
Total ...			<u>402</u>

COST OF SUPPORT.

Deducting from the disbursements of the year, the cost of permanent improvements, the materials consumed on account of clothing sold to outside parties, and the excess of stock in store this year over that on hand last year, leaves

Total current expenses for 1874	\$43,256 56
Daily average number of inmates in 1874, 293.	
Making the average cost per year per capita.....	147 63
Making the average cost per week per capita.....	2 82
Daily average for 1873, 271.	
Average cost per year per capita.....	143 41
Average cost per week per capita	2 76
Daily average for 1872, 252.	
Average cost per year per capita.....	145 00
Average cost per week per capita	2 79
Average cost per capita for subsistence in 1874	<u>\$36 21½</u>

APPROPRIATION ASKED FOR THE CURRENT YEAR.

In their last report the Board of Managers say :

“ We shall need for building purposes the sum of \$15,000 to erect a family building, carriage and horse barn and to alter the building now used for bakery and boys’ kitchen, and to make necessary repairs, making in all to be appropriated by the legislatures, the sum of \$45,000. To erect these buildings, and make the contemplated improvements, will, in our estimation, cost at least \$18,000, and some of us think \$20,000, but with the aid of our boys, teams, etc., we hope to do it for the sum asked for. We make our estimates with

reference to the stringency of the times, the depression in all branches of business and the universal desire to economize and re-trench. The demands of our increased and increasing numbers would justify much larger expenditures than we are contemplating, a wise economy and a decent regard to health and comfort forbid a smaller outlay."

Since the report of the Managers was written, from which the above is taken, we have met the Board at the Industrial School, and with them have carefully examined their estimates for appropriations. The necessity for a new family building is a pressing one. During the past year the amount of sickness at the Institution has been thrice as great as in any previous year of the school. This condition of things is positively alarming. The prevailing sickness has been fever, and according to the school physician, is almost entirely attributable to the over-crowded state of the dormitories. Forty, and sometimes a greater number of boys are compelled to sleep in a dormitory, only suitable for thirty. This matter should early engage the attention of the legislature, to whom the friends of the Institution look for the means of relief.

As above stated, the Managers ask an appropriation from the state for the current year of \$45,000. In view of the depression that prevails in nearly all of the industrial pursuits of the country, at the present time, our endeavor has been to reduce these appropriations to the lowest possible figure consistent with a decent regard for the welfare of those persons who have become a charge upon the state. In accord with the sentiment just expressed, we recommend appropriations as follows:

For current expenses.....	\$28,000 00
family house	12,500 00
horse barn.....	1,000 00
raising bakery building	500 00
	<hr/>
Total state appropriation... ..	<u>\$42,000 00</u>

The importance of the

WORK OF THE INDUSTRIAL SCHOOL,

Socially and economically considered, cannot be over-estimated. It is emphatically a reformatory institution. Its great mission is prevention, rather than punishment of crime. It is a refuge for youthful delinquents, and, as such, saves them from the disgrace of the State Prison or the worse horrors of the common jail. The in-

stitution affords the boys the benefit of a fair education and experience at some useful trade or vocation. Of those who have gone from the school, with the proper certificate of the Superintendent and managers, few, very few have afterwards been convicted of crime. The record of this institution in this particular is most creditable.

In conclusion, we desire to bear testimony to the able and efficient manner in which the Superintendent and Matron of the school have discharged the laborious and delicate duties imposed upon them.

VI. SOLDIERS' ORPHANS' HOME.

[Located at Madison.]

The Trustees of the Home are:

D. Worthington, Madison; James Bintliff, Janesville; C. K. Pier, Fond du Lac; W. F. Vilas, Madison; G. L. Park, Stevens Point.

OFFICERS OF THE BOARD.

President—James Bintliff.

Vice President—C. K. Pier.

Secretary—W. F. Vilas.

Treasurer—Ferd. Kuehn.

RESIDENT OFFICERS OF THE HOME.

Superintendent—R. W. Rurton.

Matron—Mrs. E. W. Burton.

Physician—A. J. Ward.

TABLE

Showing the cost of construction, current expenses, total number of children; average number and cost per capita, annually from the foundation of the Home.

YEAR.	Cost of Construction.	Cost of Current Expenses.	Total Cost to State.
1866.....	\$10,000 00	\$18,833 65	\$28,833 65
1867.....	8,344 38	38,699 20	47,043 58
1868.....	7,016 79	36,968 70	43,985 49
1869.....	11,983 21	37,055 30	49,038 51
1870.....	*20,000 00	*40,733 90	60,733 90
1871.....	200 00	39,872 70	40,073 70
1872.....	200 00	15,266 72	15,466 72
1873.....	2,000 00	25,253 75	27,253 75
1874.....	.....	22,082 64	22,082 64
Total nine years	\$59,744 38	\$274,766 56	\$334,510 94

THE RECEIPTS AND DISBURSEMENTS

of the Home for the year ending September 30, 1874, were as follows:

RECEIPTS.

Cash on hand September 30, 1873.....	\$1,093 93
Received from state treasurer....	20,100 00
Received from sale of cows.....	116 00
Received from dividend of bank of Madison.....	101 45
Received from sale of old harness.....	15 00
Received from Jas. Bintliff on clothing acc't of Normal pupils.	155 00
Total.....	<u>\$21,581 38</u>

DISBURSEMENTS.

For amusement and means of instruction	\$201 61
Clothing	645 19
Drugs and medicine	129 13
Farm and barn expenses	691 58
Fuel	2,077 45
House furnishing.....	268 45
Live stock.....	192 75
Lights.....	525 50
Liquors .....	.....
Manufacturing expenses.....	1,154 57
Miscellaneous purposes	1,802 85
Permanent improvements .....	.....
Repairs	559 87
Subsistence.....	5,325 69
Salaries	7,477 44
	<u>\$21,048 08</u>
By credits on bills	26 65
Total expense	\$21,021 43
Balance on hand September 30, 1874	559 95
	<u>\$21,581 38</u>

*Estimated.

From the above, it appears that there was a balance of \$559.95 available for the current expenses of the Home from October 1, 1874, to February 1, 1875.

THE RECEIPTS FROM THE WARD FUND

Have been

Balance on hand October 1, 1873.....	\$6 20
Received from various sources during the year	958 30
	<u>\$964 50</u>

DISBURSEMENTS.

Expenses during year	\$944 50
Balance on hand September 30, 1874	20 00
	<u>\$964 50</u>

Number of children in the Home, October 1, 1878	144
Since admitted.....	13
Readmitted	2

Total.....	159
Number discharged.....	116 ...
Number furnished with homes	8 ...
	<u>124</u>

Total belonging to the Home	85
Number present	<u>85</u>

Average age, 11 years.

THE PRESENT ASPECT OF THE HOME

can probably best be understood, from the following paragraph in the last report of the trustees.

“ At the last session of the legislature, an act was passed directing the board of trustees to procure homes in private families for all children in the Home, who were or might become fourteen years of age, within six months from the date of the passage of said act; also, to contract with parents or guardians, suitable to have the charge of children under that age, to withdraw them from the Home upon condition that, until such children become fourteen years of age, the board shall pay to their parents or guardians at the rate of five dollars per month each, upon condition that the children for whose benefit such allowance is made, shall be required to attend school at least four months in each year, unless prevented by sickness. Section 3 of said act provides that in case of children who have no mother or legal guardian, or where such mother or legal guardian is not a suitable person to have the charge of such

children the board of trustees shall find a home with the relatives of the children, if they have relatives within the state who are suitable persons, and if not, with other persons; and failing to find homes for such children within six months from the date of the passage of said act, then to contract for the maintenance of such children in some private orphan asylum, until they shall have reached the age of fourteen years, and to pay for such maintenance the sum of six dollars per month, reserving the right to annul all contracts made under said act, and resume the care of any child whenever in the judgment of the board, the interests of such child will be subserved thereby. Under the operation of this law, the inmates of the Home have been reduced from one hundred and fifty-eight, at the date of our last report, to thirty-five. These will be withdrawn by their friends, or homes furnished for them, before the meeting of the legislature, and the Soldiers' Orphans' Home practically closed."

The trustees estimate that when all the inmates of the home shall have been disposed of, there will be about one hundred children under fourteen years of age, and on whose behalf the state will be charged with the payment of five dollars per month. All who are entitled to this money have not applied for it.

The trustees ask from the next legislature an appropriation of nine thousand dollars (\$9,000) to meet the necessary expenses of closing up the Home and providing places for the few remaining orphans.

We think this estimate has been carefully made, and we recommend an appropriation accordingly.

WHAT SHALL BE DONE WITH THE HOME BUILDINGS?

It will devolve upon the next legislature to determine what disposition shall be made of the Home buildings, for which there is no further use for present purposes. We renew the recommendation made in our last annual report, that the Home be converted into an Industrial School for Girls. We call especial attention to the papers of Mrs. Lynde, of this board, and of Mrs. Hendrickson, Matron of the Industrial School for Boys, bearing directly upon this subject.

VII. THE WISCONSIN STATE PRISON.

[Located at Waupun.]

The board of directors of the State Prison is as follows:

Joel Rich, Juneau, term expires January, 1876; Wm. E. Smith, Milwaukee, term expires January, 1878; Nelson Dewey, Cassville, term expires January, 1880.

RESIDENT OFFICERS.

Warden—Horatio N. Smith.

Physician—H. L. Butterfield.

Chaplain—E. Tasker.

TABLE

Showing appropriations, current expenses, officers' services, subsistence, etc., of the Prison for the last twenty-four years.

Yrs.	Total Cost to State by Appropriation.	Current Expenses.	Officers' Services.	Subsistence.	Average No.	Per capita for Subsistence.	Per cap. for Off's Salaries.
1851	\$10,000 00	.....	.....	.....	.....	.....	.....
1852	16,389 60	.....	.....	.....	.....	.....	.....
1853	18,617 73	.....	.....	.....	.....	.....	.....
1854	42,378 08	.....	.....	.....	.....	.....	.....
1855	88,135 26	.....	.....	.....	.....	.....	.....
1856	49,079 73	.....	.....	.....	.....	.....	.....
1857	37,200 00	.....	.....	.....	.....	.....	.....
1858	35,000 00	.....	.....	.....	.....	.....	.....
1859	49,500 00	.....	.....	.....	.....	.....	.....
1860	31,696 24	.....	.....	.....	.....	.....	.....
1861	24,504 13	.....	.....	.....	.....	.....	.....
1862	26,609 87	.....	.....	.....	.....	.....	.....
1863	30,900 00	.....	.....	.....	.....	.....	.....
1864	41,371 55	.....	.....	.....	.....	.....	.....
1865	35,500 00	.....	.....	.....	.....	.....	.....
1866	44,000 00	\$36,813 29	\$15,535 06	\$8,266 18	128	\$64 57	\$121 86
1867	40,204 00	40,675 76	15,060 91	13,636 14	194	70 28	77 62
1868	59,796 00	50,589 45	17,970 84	18,242 04	208	89 86	88 52
1869	40,000 00	46,341 26	17,994 18	14,769 69	186	79 40	96 74
1870	¹ 40,000 00	41,954 86	13,998 48	11,127 20	189	74 92	94 25
1871	99,990 00	53,500 72	23,720 15	15,805 92	202	78 24	117 42
1872	52,928 00	50,226 47	23,453 05	13,534 14	201	67 33	116 68
1873	45,550 47	49,889 12	22,108 20	10,776 77	180	59 87	122 81
1874	49,968 39	.....	² 9,194 08	² 8,181 07	² 214	75 99	85 92
Tot'l	\$1,004,419 05						

¹ These figures are for the nine months from January to October, 1870, but the per capita is figured for the entire year.

² For six months ending Oct. 1, 1874, but per capita for a year.

STATISTICS OF POPULATION.

There were confined in the State Prison, April 1, 1874:

Males	195	....
Females	5	....
Total	—	200
Received to October 1, 1874—		
Males	68	....
Females	8	....
	—	
	71	....
Discharged to Oct. 1, 1874—males.....	41	....
	—	80
Confined October 1, 1874		230
Confined October 1, 1873		180
		—
Showing an excess of		50
		==
The average number of prisoners for the six months ending September 30, 1874.....		214
Average number for the year ending September 30, 1873.....		180
		==

THE CASH RECEIPTS

Of the Prison for the six months ending September 30, 1874, are exhibited below:

Received of state treasurer	\$25,000 00	.....
of Geo. F. Wheeler	1,484 80	.....
from old accounts due the prison prior to April 1, 1874	1,559 45	.....
	—	\$28,044 25
Less amount paid on old indebtedness due from prison prior to April 1, 1874		5,671 27
		—
Leaving a balance of state appropriation for current expenses, of		\$22,372 98
Received for boarding U. S. convicts	\$637 74	.....
from visitors' fees.....	463 50	.....
Convict's deposits, old account.....	\$324 58	.....
Convict's deposits, new account.....	100 00	.....
	—	424 58
Received, sales from chair shop.....	35,093 53	.....
stone shop.....	836 91	.....
shoe shop.....	230 95	.....
tailor shop.....	274 70	.....
blacksmith shop	2 37	.....
barn and yard.....	6 72	.....
garden	23 10	.....
Deduction on bill of Goldsmith & Co	11 86	.....
	—	26,005 96
Total.....		\$48,378 94
		==

CASH DISBURSEMENTS.

For means of instruction	\$11 26	.....
Newspapers	16 50	.....
Advertising and printing.....	85 81	.....
Stationery.....	17 40	.....
	<hr/>	\$80 97
Clothing for prisoners.....		920 53
Drugs and medicines.....		161 84
Farm and barn, 1 yoke oxen.....	170 75	.....
1 cow	45 00	.....
Tools	15 55	.....
Forage	249 55	.....
Garden.....	114 86	.....
	<hr/>	595 21
Lights		99 75
Laundry		28 48
House furnishing, including kitchen.....	821 98	.....
Also purchases for officers' quarters prior to April 1, 1874.....	506 41	.....
	<hr/>	1,828 84
Chair shop, lumber	\$15,506 95	.....
Machinery	816 14	.....
Upholstery	470 25	.....
Paints and oils... ..	8,778 00	.....
Hardware	3,270 01	.....
	<hr/>	28,841 36
Tailorshop		64 38
Shoeshop.....		510 50
Blacksmith, including repairs of machinery and tools	:	201 07
Wagon shop.....		166 65
Stone shop		38 38
General repairs and improvements.....		800 39
Freight	427 64	.....
Express	61 40	.....
	<hr/>	489 04
Director's expenses		776 30
Postage and telegraphing		101 71
Exchange on drafts.....		26 06
Miscellaneous—Tobacco	274 80	.....
Revolvers and guns	98 00	.....
Part payment on land for railroad track.....	50 00	.....
Part payment for right of way	100 00	.. ..
Sundries	57 70	.....
	<hr/>	580 50
For salaries and wages.....		9,194 08
Convicts discharged		205 00
Arresting escaped convicts.....		10 00
Teaming		188 12
Subsistence... ..		7,674 85
Balance on hand Oct. 1, 1874.....		810 94
		<hr/>
		<u>\$48,878 94</u>

The business operations of the Prison for

THE SIX MONTHS OF THE NEW ADMINISTRATION,

are set forth briefly in the report of Warden Smith, as follows:

DEBIT.

To show the actual result of the six months' business ending September 30, 1874, the property on hand April 15, 1874, should be charged to me as valued by the directors.....	\$64,415 33
Amount of state appropriations in my hands, less am't paid on old indebtedness.....	22,872 98
Amount of liabilities incurred since April 1, 1874, for lumber and other materials delivered and on hand, and not paid for on date of this report.....	6,023 75
Total.....	<u>\$92,811 06</u>

CREDIT.

I should then be charged with amount of property on hand, as valued by Directors October 1, 1874.....	\$82,573 72
Due state on acc't of sales since April 1, 1874.....	3,370 99
Cash on hand.....	\$810 93
Less convicts deposits.....	424 58
	<u>386 35</u>
	<u>\$86,381 06</u>
Leaving a balance of.....	<u>\$6,480 00</u>

Which last amount the warden says represents what the Prison has cost the state, over and above earnings for the six months ending September 30, 1874.

But the warden adds:

"This balance cannot be taken as any basis of financial results for the next six months. It will be seen that a large portion of the amount of appropriation by the legislature for current expenses is invested in the increased stock on hand, eight thousand dollars of the excess being on the item of lumber alone."

"It will be necessary for the success of the labor of this institution to carry a stock of lumber and other materials equal to the amount now on hand."

"It should also be remembered that all the largest items of expense come in the six months ending April 1st, next, being the winter months of the year."

The Warden, in his report, alludes to a number of causes that will tend to increase the expense of the prison during the present six months over that of the past six months, such as: increased number of convicts; increased expense for clothing, for fuel, for

lights, etc.; certain extraordinary expenses; and also a decrease in the daily earnings of the prisoners on account of the winter weather and short days, "much of the time not more than eight hours instead of ten, as in the summer months, can the prisoners be employed."

THE RESOURCES OF THE PRISON

At date of directors' report, October 1, 1874, are given as follows:

Cash on hand.....	\$810 98
Finished chairs on hand as per invoice, sold to Abernathy Bros., as per contract, to be paid for during the next 4 months	11,071 06
Outstanding accounts for goods sold since April 1, 1874.....	8,870 98
	<hr/>
	\$15,252 98
Less liabilities for lumber and other materials delivered and unpaid.....	6,447 22
	<hr/>
Total present available resources.....	<u>\$8,805 76</u>
Liabilities on old accounts prior to April 1, 1874.....	\$1,858 73
Old outstanding accounts.....	1,159 97
	<hr/>

APPROPRIATIONS ASKED.

The Warden regards the collection of this last amount so doubtful as not to be relied upon to meet the outstanding liabilities, and therefore asks an appropriation of \$1,358.73 to pay this indebtedness created prior to April 1, 1874.

An appropriation of \$2,627.07 is also asked to make good the amount drawn from the current expense fund to pay old indebtedness. Also \$10,000 for general purposes, to carry the Prison through to April 1, 1875. All aggregating the sum of \$13,985.80.

The warden says:

"If the present arrangement for sales should continue, no further appropriation will be required for the support of this institution from April 1, 1874, to April 1, 1875, and at the same time leave a much larger stock of material and goods on hand, April 1, 1875, than on April 1, 1874."

However it is thought that the general dullness of business, together with a discontinuance of the present contract with the Abernathy brothers, might render it necessary to obtain "an extra appropriation or temporary loan until sales could be made."

**\$20,000 ASKED FOR CURRENT EXPENSES FOR YEAR ENDING ON
APRIL 1, 1876.**

The board of directors ask the legislature to appropriate the sum of \$20,000 to defray the current expenses of the prison for the year ending April 1, 1876. Making in all to be appropriated for the prison, by the next legislature, \$33,985.80. We endorse the recommendation of the directors, as we are fully satisfied that the whole amount asked will be required for the operation of the prison.

THE PRISON NOT SELF-SUSTAINING.

The Directors conclude their recommendation for appropriations, by expressing the belief "that the prison labor may be gradually brought to a point of self-sustaining, but it can only be done by systematizing and economizing the work and labor of the prison."

Upon this subject the Warden says: "Much has been said and written in relation to this institution being self-sustaining, mostly by those who have little if any knowledge of its necessities. It is assumed that 200 men ought to earn enough to support themselves, overlooking the fact that the insane, sick and crippled, with cooks and choremen comprise nearly one-half of the number, thus requiring the labor of 100 men to board and clothe 200, to which should be added the cost of subsistence and salaries of officers, guards and keepers, not less than \$25,000 a year. It is not often that 100 men can, in any business, earn enough to feed, clothe and doctor 200, and make \$25,000 besides, with voluntary labor; much more difficult will it be to produce that result here with compulsory labor.

"It should also be remembered that most of the men who come here are entirely unskilled in any mechanical employment; many of them badly diseased, and whose terms of confinement expire as soon as, or before, they become competent workmen; and, in addition, each must be furnished with a respectable suit of clothes and \$5 in money on his discharge.

"More than one-third of the sentences are for one year or less—a large number for only six months—each to be provided with his incoming and out-going suit of clothes." * * *

"It will be impossible to make this institution, located at inconvenient distances from all the great markets where labor is most valuable, self-sustaining at once, with the most rigid economy and

closest business management. It will take time and experience to introduce new and more profitable branches of business, and it will require appropriations sufficient to have funds at all times on hand to purchase supplies and material whenever it can be done at the best advantage; also, sufficient to enable it to hold the manufactured goods when sales are dull and prices are depressed, until the markets are favorable for making sales.

“A more equal and uniform practice on the part of the courts in the terms of sentences would also aid in producing the desired result.”

We are gratified to find our own views expressed in the fore part of this report so strongly and ably endorsed by both the directors and warden of the Prison. Our opinions were based upon a somewhat thorough and careful examination of the business transactions of the Prison for several years past. The director and warden express the hope that eventually the labor of the Prison may be made self-sustaining. We cannot share with them in the expression of that hope, while the state Prison is located at Waupun, unless a very radical change is made in the inauguration of a very different branch of business. Indeed, we do doubt whether the state prison can be made self-supporting at Waupun with the labor employed at any other business whatever. It certainly cannot while engaged at the present business, which is over-done and sorely depressed by excessive competition everywhere.

The reasons that have led us to the belief that the state ought to change the location of the prison, are briefly stated elsewhere, and the propriety of such action may be inferred in the remarks of warden Smith, from which we have quoted above.

In the manufacture of chairs, the amount of new material required is very great, and Waupun is situated at too inconvenient a distance from the sources of supply, and at equally as inconvenient a distance from an available market. The question of removing the State Prison to some commercial center, is one that demands the immediate consideration and serious attention of the legislature. The State Prison has now been in operation twenty-four years, during which time the tax payers of Wisconsin have paid for its maintenance the sum of \$1,004,000, and during nearly all this time there have been at the Prison from 150 to 200 prisoners confined at hard labor.

The Warden, in his report, estimates that only 53 per cent. of

the time spent in prison by convicts, for the six months ending Sept. 30, 1874, was devoted to productive labor, as follows:

PRISON POPULATION.

Showing the whole number of days spent in prison, the number of days lost time and the number of days given to productive and unproductive labor.

Whole number of days—				
Males.....	72,599	.....	.....	.....
Females	1,693	.....	.....	.....
				74,292
Lost time—				
Sundays	10,421	.....	.....	.....
Solitary, as per sentence	399	.....	.....	.....
Solitary, as per punishment	194	.....	.....	.....
Dark cell, as per punishment.....	123	.....	.....	.....
Sick or disable	2,606	.....	.....	.....
Insane or idiotic	2,685	.....	.....	.....
Old age.....	1,880	.....	.....	.....
		18,308	.....	.....
Indispensable labor, but not directly productive of income—				
Shipping clerk	814	.....	.....	.....
Hospital steward	814	.....	.....	.....
Fire tenders, barber and office boy ..	1,949	.....	.....	.....
Kitchen men.....	2,812	.....	.....	.....
Teamsters and stable man	1,915	.....	.....	.....
Wash-house man	846	.....	.....	.....
Choreman	1,022	.....	.....	.....
Garden and farm labor.....	818	.....	.....	.....
Filling ice-house	21	.....	.....	.....
Cutting wood	819	.....	.....	.....
Blacksmith-shop, shoe-shop and tailor-shop, six-seventh time.....	2,079	.....	.....	.....
Menders and female prisoners.....	2,510	.....	.....	.....
General repairs, including railroad work	248	.....	.....	.....
Piling lumber.....	1,028	.....	.....	.....
		16,195	.....	.....
Total unproductive labor.....			34,503	.....
Productive labor—				
Chair and cabinet shop	37,874	.....	.....	.....
Stone shop....	1,569	.....	.....	.....
Shoe, tailor and blacksmith-shop, one-seventh time	846	.....	.....	.....
			39,789	.....
				74,292

Percentage of productive labor to average population, 53.63.

It appears to us incorrect to say that the labor referred to above as *indispensable* is not productive. This labor is productive to the extent of its value. Further, we can see no reason, and believe none exists why there is a greater proportion of so called unproductive labor among the convicts of a Wisconsin prison than among those of many other prisons that yield an income to the

state. The number of able bodied convicts in our prison will certainly compare favorably with that of other prisons. The proportion of the convicts who are unskilled at mechanical labor is undoubtedly less than in the prisons of the New England states. According to the best authorities upon the subject of prison labor the average number of convicts in our State Prison is not unfavorably small for its successful operation with a view of making it self-supporting.

For a number of years past, the prisons of all the New England States are reported as yielding a profit to the state.

For the year 1871, the prison of New Hampshire yielded a revenue to the state over and above all expenses of \$5,715.62, with an average of about 100 convicts.

For the year 1872, the prison of Rhode Island, with an average of 165 convicts, brought a revenue to the state treasury of \$4,518.90.

With an average number of convicts, of 168, the state of Maine prison earned, over and above expenses, \$6,591.64 during the year 1871. And has been more successful in its operations since.

The Vermont prison, with only 95 prisoners, for the year 1872, yielded a revenue of \$1,500.

The Connecticut prison, with 190 convicts, returned a revenue of \$1,202.10 for 1872.

The following table will exhibit the profits of the Massachusetts state prison for the years named:

Profit in 1867.....	\$25,846 16
1868.....	27,646 49
1869.....	28,556 05
1870.....	26,781 69
1871.....	21,442 19
1872.....	21,289 29
1873.....	23,427 38
Total profit in seven years.....	<u>\$171,489 25</u>

The inspectors of this prison estimate in their report of 1873, a handsome profit for the year 1874. The average number of convicts in the Massachusetts prison has been about 500 for a number of years past.

The Michigan State Prison, with nearly 600 prisoners about pays its way, and occasionally returns a small revenue.

We have not the official reports before us, but it is stated on good

authority, that the Ohio State Prison averages a yearly profit of from \$25,000 to \$40,000.

The New Jersey prison returns a profit this year over expenses of about \$45,000.

We have stated the above facts to show that many of the prisons of other states, some with a greater and some with a less average number of convicts than our own, are self-supporting. To make our own prison self-sustaining, is certainly a thing within the range of possibility. The recent change in the manner of its government and a consequent greater economy in the management of its internal affairs, will doubtless contribute to this end, and thus may tend to lessen the annual state appropriation, but we have no hope that this change and this increased economy will do away with the necessity of state aid altogether, so long as the present business of chair making continues to be the main dependence of the prison located at Waupun.

We have no desire to argue further

THE QUESTION OF THE REMOVAL OF THE PRISON.

This is a matter which belongs to the representatives of the people to determine. We have already said sufficient to indicate what we believe the best interests of the tax payers demand. And with the suggestions already thrown out, prefer to leave this branch of the subject.

However

IN CASE OF ITS REMOVAL.

We desire to offer a few suggestions, with reference to the question of utilizing the present prison buildings. There is a pressing demand from every quarter that some provision be made for the better care of the incurable insane of the state. Both of the insane hospitals, the state prison, the jails and poor-houses of the state are crowded with a number of incurable insane. None of these institutions are suitable places for the reception and retention of this class of infortunates. The question of,

FURTHER PROVISIONS FOR THE INSANE.

is discussed by Dr. Kempster, of the Northern Hospital, in his recent report. He says:

“At this point, a pertinent question presents itself. How far is

the state responsible for this amount of chronic lunacy, and how many of these poor creatures become chronic lunatics through inability to procure proper treatment in hospital at the right time? It would be useless to speculate upon a question of this kind, but knowing the fact that inadequate hospital accommodation will certainly tend to increase chronic lunacy, and add to the burden of state taxation for their support, the practical question is, what is the duty of the state in relation to the matter of providing for the accommodation of all insane in the future? To this question there would appear to be but one answer.

* * * * * "From statistics received from the several counties in this hospital district since the institution was opened, it is painfully apparent that there are nearly three hundred insane now in receptacles of some kind, in this district alone. We frequently receive urgent appeals from various quarters, requesting us to admit certain patients—chronic cases—whose violence renders their stay in present quarters dangerous to the inmates, and their almost ceaseless noise producing turbulence and discontent and unhappiness in the other residents.

"In looking over the reports issued by the Board of State Charities and Reform, it will be found that in nearly every county in the state, there are sane, and insane, men, women and children occupying the particular receptacle provided for the unfortunate and indigent population; some in poor-houses, where these institutions are established, and where they are not, then they must go to the county jail for safe keeping, receiving such care and treatment as the humanity and knowledge of the keeper may prompt him to provide; at best, we cannot expect that the insane will receive such efficient treatment as the nature of their disease, whether acute or chronic, demands. Humanity requires that ample provision for all the insane be made at once. The state, having assumed the care of its unfortunates, cannot, with propriety, reject or refuse to take care of those who, by reason of continued infirmity, require continuous supervision. It is a cold charity, nowhere commended by religion or reason, which would thrust out a human being as unworthy of further care, because human art or science has failed to lift the burden of disease. Nor can the state, with justice, neglect to provide for the proper care and maintenance of those whom we call chronic. Each property holder is taxed equally for the care of the insane, and the tax payer can, with perfect propriety, demand

that his son or daughter, wife or mother, shall be at least decently cared for, and not compelled to associate with criminals or disreputable persons, because the room they occupy in either of the hospitals is demanded for a more recent case.

"People generally realize that the insane, whether acute or chronic, demand peculiar care and attention—such care and attention as it is not possible for them to receive at home, no matter how willingly their wants might be supplied, or how able the friends may be to provide for them. In conformity to the dictates of christianity and humanity, the state has commenced to make noble provision for this most unfortunate class of sufferers, but its whole duty will not have been performed until it has provided for them all.

"It has been said that no state or nation has ever been impoverished in its efforts to relieve the distressed within its borders. On the contrary, the country which has made the best provision for them seems most prosperous. Whether this be arguing from cause to effect, or the reverse, it is not necessary to consider. The question of economy, considered in the abstract, should not enter into consideration; but it can easily be shown that, looking at the subject in this light, it is most economical to make provision for all.

"The American Journal of Insanity for January, 1870, contains a computation bearing directly upon this point. In 1865, it was computed that 1,253 insane persons, then in the jails and poorhouses of New York, would remain insane for eighteen years, the average duration of life of the chronic insane, assuming that the average weekly cost of caring for them would be \$1.50 each, the cost for one week would be \$1,879.50, or for one year, \$97,734.00. For the eighteen years or average life, it would reach the sum of \$1,759,212.00. As stated in the first report of this hospital, the cost of caring for a case under treatment for seven months, the average length of time that those who recover require treatment, is \$140.00.

"The average cost of keeping the individual chronic insane person for the eighteen years of life would be \$1,296.00. Another feature to be considered, since we call attention to the dollars and cents, is the fact that the insane person who recovers becomes a producer and adds to the wealth of the state, while the chronic case remains a burden while life lasts.

"Any attempt to save money by failing to provide for the insane, is indeed poor economy and worse philanthropy." True economy

is to be found in providing for all. This statement is not a mere assumption, but is verified by reference to what are known in England as the "Blue Books," where we find that the latest statistics, for the year 1873, show that there had been a diminished proportion of new cases of insanity to the whole population, an increase in the ratio of recoveries, and a less number of deaths than have been heretofore reported. This statement cannot but cheer every one who has the interests of the insane at heart, for if this can be the case in a country where there is a total insane population of 60,296 (this includes the idiotic), or about one insane and idiotic person in every 400 of the entire population, and where, for a number of years past, the most strenuous efforts have been made by the government to provide for the enormous numbers of insane demanding care, how much more comforting it is for our communities, where the ratio of insanity has not yet reached this appalling proportion, and where we are acknowledged, even now, to be better provided with means to care for the insane, so far as we have gone, than the older European countries.

"What better or more effectual argument can be used to impel prompt action than this: there are facts that cannot be controverted nor set aside; an absolute certainty presents itself. Ample provision for all the insane is not only the best way because it is humane, but because it is the most economical—the cheapest. Provision of this kind made now will lighten the burden of state taxation—procrastination will as certainly add to it.

"This, too, is leaving entirely out of the question the right, for having assumed to provide for one, we cannot stop short of providing for all. As a matter of strict expediency, we are obliged to send away those whose chances of recovery appear to be slight; they must be relegated to the jail, but it is not right to do this, and the tearful pleading of one mother beseeching that her child may not be removed and incarcerated with felons, will refute a whole volume of argument, no matter how speciously worded, as to the expediency of providing for a more recent case.

"In view of the fact that it is right, just, economical and wise to provide for *all* the insane, the question next arises, how is this best done? What further steps are necessary to secure so desirable an end? It is a fact beyond dispute, that with this hospital finished, and filled to its utmost capacity, and with the State Hospital at Madison completed, there would still be in the state at large at

least three hundred insane unprovided for remaining in jails and poor-houses.

“ It is established by statistics gathered from communities where these matters have been carefully studied for many years, that at least one person in every three thousand of the population will become insane during one year. Wisconsin, with a population of 1,054,670, and this rapidly increasing, will have to provide for 351 who will become insane during the year 1875, in addition to those already in the hospital or unprovided for.

“ Of those who become insane, if promptly provided with accommodation in hospital, within one month of the date of the attack, we may reasonably hope that 75 per cent. will recover within six months; from six to ten will probably require hospital accommodation for a year or eighteen months, and of the balance, a certain percentage will die, from six to eleven per cent.

“ As it will be impossible to receive this number into existing hospitals, if those now in them are retained, what shall be done to accommodate them? Two ways are open, either to build another hospital, or add to those already built.”

There are at present about four hundred incurable insane confined in our county jails and poor-houses. Beside these, a large number are in the towns, and still others are kept in private families—a constant menace to friends and the community.

It seems to be settled that very soon the state must make some provision for the incurable insane. This unfortunate class cannot be left in our jails and poor-houses. This plan is not only expensive, but is absolutely inhuman. Granting that a step for the better care of the chronic insane must soon be taken, we recommend that the State Prison be removed to some commercial center, for reasons set forth in other portions of this report, and that the present State Prison buildings be remodeled for the accommodation of the chronic and incurable insane. It has been suggested that both the hospitals be enlarged for this purpose. But we believe the state can do better by adopting the plan we suggest and recommend. In many respects the prison buildings and spacious grounds, enclosed by a high wall, are admirably suited for the purposes required. The expense of making the needed changes cannot be great. The quiet and seclusion of the location is also favorable.

CONCLUSION.

In what we have said upon the subject of the prison management, we do not wish to be understood as casting any reflection upon the honesty and integrity of those in charge. The board of directors and resident officers, have labored with unabated zeal to promote the best interests of the state, in their management of the prison. Their responsibilities have been very great, and their work extremely laborious. Your Excellency and the people of the state are to be congratulated upon your selection of directors; and the directors, in turn, upon their admirable choice of warden. Each and all seem to possess peculiar qualifications for the position, they have been assigned.

THE QUESTION OF SALARIES.

We most heartily endorse the suggestions of the directors, in their report, that the law relating to the management of the prison should be so amended as to allow the board of directors to fix the salaries of the warden and all subordinate officers and employes. The board is much better qualified to determine the value of the services of those it employs than other parties who have no immediate personal supervision. We suggest that the warden's salary should be so limited, as not to exceed \$3,000.

A COMPREHENSIVE EXHIBIT OF THE OPERATIONS OF STATE PRISONS
OF THE UNITED STATES.

We conclude this report on the state prison, by presenting the full and exceedingly valuable statistics on prison management, etc., of Dr. E. C. Wines, Secretary of the National Prison Reform Congress. We quote from the report of 1874 just published:

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873.

State.	Location.	Estimated value of real estate.	Estimated value of personal property.	Number of cells.	No. of prisoners rec'd in 1873.	Average number of prisoners in 1873.	No. rec'd in 1873 guilty of offenses agt. property.	No. guilty of offenses against persons.	No. guilty of other offenses.
Alabama	Wetumpka	\$150,000	\$10,000	210	147	200	98	45	4
Arkansas	Little Rock	300,000	.....	282	141	200	84	40	17
California	San Quentin	250,000	.....	444	420	915	835	82	8
Connecticut	Wethersfield	100,000	8,000	248	73	180	.....	.....	.....
Florida	Chatahoochee .....	.....	5,000	11	62	65	42	18	2
Georgia	Atlanta .....	.....	.....	.....	262	476	150	101	11
Illinois	Joliet	1,500,000	140,000	1,000	508	1,191	416	92	.....
Indiana—									
North	Michigan City	350,000	6,000	380	173	354	151	19	8
South	Jeffersonville .....	.....	.....	318	188	395	145	36	2
Womens'	Indianapolis	150,000	7,000	20	22	22	15	6	1
Iowa	Fort Madison	300,000	.....	318	176	270	130	35	11
Kansas	Leavenworth	300,000	64,000	344	147	331	108	29	10
Kentucky	Frankfort	500,000	10,000	674	328	600	250	50	28
Louisiana	Baton Rouge .....	.....	.....	498	339	409	.....	.....	.....
Maine	Thomaston	140,000	105,000	174	22	146	15	6	1
Maryland	Baltimore	284,000	.....	700	226	587	163	55	8
Massachusetts	Charlestown	800,000	.....	652	174	578	99	61	14
Michigan	Jackson	325,000	30,000	648	285	616	213	72	.....
Minnesota	Stillwater	200,000	10,000	163	64	91	53	10	1
Mississippi	Jackson	250,000	40,000	200	76	288	.....	.....	.....
Missouri	Jefferson City	200,000	5,000	.....	471	1,062	.....	.....	.....
Nebraska	Lincoln	150,000	5,000	.....	19	44	16	3	.....
Nevada	Carson City	100,000	12,000	46	65	98	45	19	1
New Hampshire	Concord	60,000	20,000	132	38	82	26	7	.....
New Jersey	Trenton .....	.....	.....	586	876	545	.....	.....	.....

New York.....	Auburn	790,000	57,000	1,280	518	1,139	831	160	23
New York.....	Danemora, Clinton county ..	506,000	350,000	1,538	183	540	123	83	27
New York.....	Sing Sing (male).....	806,000	189,000	1,200	750	1,163	548	94	108
New York.....	Sing Sing (female)	125,000	6,000	108	54	108	48	4	2
North Carolina.....	Raleigh	20,000	12,000	38	167	401	.....	.....	.....
Ohio	Columbus	250,000	50,000	1,110	834	910	230	95	.....
Oregon.....	Salem .....	.....	88	.....	59	95	30	19	10
Pennsylvania—									
Eastern	Philadelphia .....	.....	.....	560	233	625	.....	.....	.....
Western.....	Allegheny	300,000	38,000	348	172	422	137	85	.....
Rhode Island.....	Providence	100,000	.....	88	33	74	.....	.....	.....
South Carolina	Columbia.....	1,000,000	25,000	350	135	250	90	29	16
Tennessee	Nashville	54,000	10,000	352	396	744	.....	.....	.....
Texas	Huntsville.....	.....	.....	.....	525	1,150	.....	.....	.....
Vermont	Windsor.....	100,000	5,000	104	28	80	24	4	.....
Virginia.....	Richmond	100,000	.....	78	220	782	160	80	30
West Virginia.....	Moundsville	400,000	15,000	224	21	98	19	2	.....
Wisconsin.....	Waupun.....	250,000	100,000	560	81	180	56	20	5
Montana Territory..	Deer Lodge City.....	40,000	1,000	14	11	20	6	5	.....
Utah Territory	Salt Lake City.....	.....	2,000	6	23	18	14	4	4
Total and averages		\$11,250,000	\$1,387,000	14,626	8,729	18,520	4,970	1,320	341

¹ Large dormitory.

² Prisoners at present all in one large room.

³ No real estate; prison kept in rented building.

Tabular View of State Prison Statistics for 1873—continued.

State.	Location.	Average Length of Sentence.			Whole No. of officers and employees.	Aggregate annual salaries of officers and employees.	Total earnings from all sources.
		Years.	Months.	Days.			
Alabama.....	Wetumpka.....	4	..	..	28	\$15,0	\$11,875
Arkansas.....	Little Rock.....	3	8	23	18	18,0	..
California.....	San Quentin.....	..	..	..	64	51,0	65,628
Connecticut.....	Wethersfield.....	3	11	13	19	9,3	..
Florida.....	Chattahoochee.....	4	3	3	16	9,4	26,453
Georgia.....	Atlanta.....	8	..	..	..	..	..
Illinois.....	Joliet.....	2	10	25	80	..	..
Indiana:	..	..	..	..	..	..	..
North.....	Michigan City.....	3	6	..	28	20,0	57,404
South.....	Jeffersonville.....	2	..	..	..	16,8	67,078
Women's.....	Indianapolis.....	3	3	..	5	..	..
Iowa.....	Fort Madison.....	2	10	11	28	18,0	35,000
Kansas.....	Leavenworth.....	5	..	..	48	24,0	30,000
Kentucky.....	Frankfort.....	2	9	..	23	19,0	..
Louisiana.....	Baton Rouge.....	..	..	..	..	..	..
Maine.....	Thomaston.....	3	3	3	23	14,1	33,856
Maryland.....	Baltimore.....	..	..	..	23	32,8	71,104
Massachusetts.....	Charlestown.....	5	..	..	40	44,4	141,845
Michigan.....	Jackson.....	3	7	..	33	31,8	91,065
Minnesota.....	Stillwater.....	1	3	..	23	12,2	14,694
Mississippi.....	Jackson.....	5	..	23	23	13,0	44,230
Missouri.....	Jefferson City.....	..	..	..	..	..	..
Nebraska.....	Lincoln.....	1	6	..	12	5,3	1,526
Nevada.....	Carson City.....	4	..	..	16	16,1	17,958
New Hampshire.....	Concord.....	4	2	..	15	7,2	20,882
New Jersey.....	Trenton.....	4	3	3	55	49,7	90,387

New York.....	Auburn	4	5	2	81	70,075	180,572	117,180	1,689	118,869
New York.....	Dannemora, Clinton county.....	3	6	..	60	55,000	..	..	..	..
New York.....	Sing Sing (male).....	3	8	7	102	87,386	819,267	151,969	555	152,524
New York.....	Sing Sing (female).....	2	8	10	9	5,660	25,177	3,648	..	3,648
North Carolina.....	Raleigh	3	..	..	66	28,200	67,915	..	..	..
Ohio....	Columbus	2	11	6	80	67,434	152,164	171,451	2,999	174,450
Oregon.....	Salem	3	..	..	18	11,627	29,666	16,022	2,017	18,039
Pennsylvania:										
Eastern	Philadelphia .....	..	..	..	..	..	..	..	..	..
Western	Allegheny	4	4	..	26	24,350	73,494	16,529	5,366	21,985
Rhode Island.....	Providence .....	..	..	..	..	4,004	8,196	10,991	1,005	11,996
South Carolina	Columbia	3	3	..	51	21,308	94,006	..	..	..
Tennessee	Nashville	6	2	15	..	..	..	..	..	..
Texas	Huntsville.....	..	..	..	..	..	..	..	..	..
Vermont	Windsor	3	6	..	10	3,900	13,312	14,330	..	14,330
Virginia.....	Richmond.....	10	..	..	37	..	77,000	39,000	..	39,000
West Virginia	Moundsville.....	3	5	..	24	18,000	..	..	..	..
Wisconsin....	Waupun	2	2	3	22	22,509	56,450	21,799	1,421	23,220
Montana Territory ..	Deer Lodge City	5	8	8	5	1,950	4,801	461	94	555
Utah Territory.....	Salt Lake City.....	3	4	..	6	6,060	10,971	3,375	..	3,375
Totals and averages.	.....	4	3	15	1,227	\$854,262	\$2,284,342	\$1,328,882	\$84,191	\$1,413,073

Tabular View of State Prison Statistics for 1873—continued.

State.	Excess of earnings over expenditures.	Excess of expenditures over earnings.	Cost per capita, including salaries.	Number engaged in labor from which revenue is received.	Annual earnings per capita from labor of prisoners engaged in productive labor.	Annual earnings per capita from labor of average number of prisoners.	Av. number of hours given to labor.	Kind of productive labor in the prison.	System of labor.
Pennsylvania:									
Eastern		51,600	174	265	88	52	9	Chair-making, weaving, shoemaking.	State.
Western			101					Shoemaking, weaving and cigar-making	Contract and state.
Rhode Island	8,800		876						Contract.
South Carolina									State.
Tennessee									Leased.
Texas								carriage making, smithery, carpentry, cooper-	Leased.
Vermont	1,019		168	68	209	177	10	making, cooper-	Contract.
Virginia		88,000	99	850	111	50	10		Contract and state.
West Virginia								Boot and shoemaking, cabinet-work, blacksmithing, brick and wagon-making.	State.
Wisconsin		88,290	818	104	209	121	10	Cabinet and chair making.	State.
Montana Territory		4,246	*240					Furniture and sawing wood.	Contract.
Utah Territory		6,596	609	14	241	187	8 $\frac{1}{2}$	Making roads, canals and other excavations	Warden manages labor.
Totals and av. ...	\$85,724	\$681,823	\$173	6,544	\$173	\$181			

* For six months.

“GENERAL REMARKS.

1. The total average population of the forty-four state prisons, included in the foregoing tables, is 18,528.

“2. It appears that none of our thirty-seven states are at present without state prisons except Delaware, which makes use of the county jail at Newcastle for the confinement of its convicted felons. New York has four state prisons—three for men and one for women. Indiana has three—two for men and one for women. Pennsylvania has two, both of which receive prisoners of the two sexes. Iowa has created a second state prison at Anamosa, but no returns have been received from it, nor am I certain whether it has yet been opened. Massachusetts has recently enacted a law creating a state prison for women, and may therefore be said to have two, though one of them is still to be constructed. This gives a total of forty-four state prisons for the whole United States. Several of the territories have convict prisons, but from only two of them—Montana and Utah—have any reports been received.

“3. One of the forty-four prisons included in these tables, confines its prisoners on rented premises. Of thirty-five, the aggregate value of the real estate, as given on the estimate of their wardens, is \$11,250,000. By a proportionate calculation based on the relative populations of the states at the last census (1870), the value of the real estate of the other eight prisons would be \$2,500,000, thus giving a total of real estate, for all the state prisons in the country, of \$13,850,000. The personal property of thirty prisons is valued by the authorities at \$1,337,000. By a like proportionate calculation, the value of the personal property belonging to the other fourteen would be \$565,000, giving an approximate total valuation of \$1,947,000 for the whole country. Thus we have, by close approximation, as the aggregate value of the real and personal property of all the prisons embraced in the foregoing tables, a grand total of \$15,797,000, equal to \$343,413 to each prison.

4. The number of cells (reported and estimated) in the forty-four prisons embraced in the tables, is 16,125, being 2,395 less than the average number of prisoners in confinement therein for the year under review; but of these cells some are intended for two prisoners; others for four; and others are large rooms, that will serve as dormitories for a considerable number. However, the average dimensions of the cells (including the large rooms) is eight feet in

length, four and a half feet in width, and seven and a quarter feet in height; giving, for the average contents of each, about 40 cubic feet. The intelligent medical officer of the California prison, as we have seen, declares that the laws of physiology and hygiene require at least 500 cubic feet of well-ventilated space for the sleeping cell of each individual, so that according to his view, the average space in cubic feet for each prisoner is only about half of what is needed to give the best conditions of health.

"5. The column for officers and employés in 36 prisons foots up 1,227. Adding 268 as the *pro rata* estimate for the remaining eight prisons, we have a total for all of 1,495, or one to every twelve and a half prisoners. The aggregate annual salaries paid to these officers in thirty-five prisons are \$854,262, to which must be added (by comparative estimate) for the other nine, \$158,463, making a total for annual salaries of \$1,012,725, and giving an average salary of \$671. If this seem but a moderate stipend in these expensive times, it must be recollected that many of the employés get their living, in addition to the cash compensation paid them. Yet, giving to this consideration all the weight that properly belongs to it, we must admit that the remuneration paid is not sufficient to command the talent and qualifications needed for the service, though perhaps quite an equivalent for the quality of work actually done.

"The total ordinary expenditures of the prisons in thirty-four states amounted to \$2,284,342. A *pro rata* estimate for the other ten prisons gives for them an aggregate sum for current expenses of \$761,447, and a grand total for all of \$3,045,789.

"7. The aggregate earnings from labor of twenty nine prisons foot up \$1,328,882, and of income from other sources, chiefly for the board of U. S. prisoners, \$84,191. Putting these two sums together, we find the earnings from all surces to be \$1,413,073, which gives an average of earnings to each prisoner on the entire populations of these prisons of \$121; or, since there were in them 6,544 prisoners engaged in productive labor, it gives an average of earnings to each prisoner belonging to this latter class of \$173. Eighteen prisons had deficits, ammounting in the aggregate to \$631,332, and twelve had an excess of expenditures over earnings, amounting to \$85,588, giving a clear deficiency in the thirty prisons reporting of \$545,744.

"8. The average *per capita* cost of the convicts in the state prisons (including salaries) was \$172, and the average *per capita*

earnings, as seen in the last paragraph, taking the whole prison population, was \$121. The three most economically administered prisons were those of North Carolina, Virginia and Rhode Island, in which the annual cost of each prisoner (salaries included) was, severally, \$89, \$99 and \$101; the three most expensive prisons were Utah, Nebraska and Nevada, the *per capita cost* in these being respectively, \$609, \$454 and \$383. But there are six others in which the cost reached or exceeded \$300 each, viz: South Carolina, \$376; Minnesota, \$352; Wisconsin, \$313; Oregon, 312; Florida, \$302; and Arkansas, \$300.

"9. The column devoted to an exhibition of the several kinds of productive labor pursued in our state prisons is highly interesting. There is scarcely any sort of industrial labor which has not its representative among the prison employments. In Texas the prisoners manufacture all sorts of cotton and some of woolen goods; make wagons, furniture, boots and shoes, etc., etc. In the same state and in Georgia, Alabama, Mississippi and Tennessee, they build railroads, work mines, raise cotton, etc. In one of the prisons of New York, the mining and manufacture of iron and the making of nails are extensively carried on; as are quarrying and stone-cutting at another of the New York prisons, and at those of Illinois and Nevada. One of the most profitable branches of labor at Sing Sing is that of laundry work, at which 100 men are now, and 500 are soon to be, employed. Their occupation is simply the washing and doing up of new-made shirts for a large shirt manufacturing establishment in New Jersey. Wagon and carriage making is successfully pursued at the state prisons of Maine, Indiana (north), Arkansas, California, Kentucky, Mississippi, Michigan and Ohio. In Utah the prisoners dig canals and build roads, and the latter occupation is pursued to some extent in Arkansas. Brickmaking is extensively and profitably prosecuted in Arkansas, California, North Carolina, Oregon and West Virginia. Hemp bagging is largely manufactured in the Kentucky penitentiary. Saddlery and harness-making are important branches of industry in the prisons of Alabama, Illinois, Kansas, Maine, Maryland, New York (Clinton and Sing Sing), Ohio and Oregon. Agricultural implements are manufactured in the penitentiaries of Iowa and Ohio; and all sorts of bedsteads in New Hampshire. The sole industry of the prison of Indiana (south) is the manufacture of railroad cars in all its branches, which is found to be an excellent occupation for the prisoners. An important branch of labor at the Connecticut state prison

is the manufacture of carpenters' rules, as was also the burnishing of silver ware, till it was found prejudicial to the health of those engaged in it. Wire-weaving is carried on in two prisons; the making of bolts and hinges in one; the manufacture of stoves in one; of edge tools in one; of brushes in two; of car wheels in one; of bronzed iron-ware in one; of cigars in five; of machinery in one; of axles in one; moulding in three; chair-making and chair-seating in eight; weaving in three; cabinet-making in six; broom-making in one; cooperage in nine; and boot and shoemaking in twenty-one. Something is done at carpentry, painting, tailoring and smithery in nearly all. Several prisons have lately turned their attention to farming, notably those of Alabama and Florida, where it is intended to make agriculture the principal industry.

"10. The contract system of labor prevails exclusively in twenty of the state prisons; the leasing system exclusively in six; state management exclusively in ten; and a mixed system in seven, where a part of the labor from which cash revenue is received is let to contractor, and another part is managed by the authorities on state account. I will not here undertake an analysis of the pecuniary results yielded by these several systems of labor. While the money results of prison management are by no means to be ignored, especially as fruitful industries in a prison have a moral as well as a financial value; yet money-making, in itself, holds but a subordinate place in that management. Undoubtedly, more attention is due to the reformation of the convicts than to the realization of profits from their labor. While the two are by no means incompatible, the former is of primary, the latter of only secondary importance. The one is fundamental; the other merely incidental. If the first is accomplished, the great end is gained; and whatever it may have cost, it will be cheapest in the long run."

CHAPTER EIGHTH.

PRIVATE CHARITABLE INSTITUTIONS.

At the last session of the legislature, the sum of four thousand dollars (\$4,000) was appropriated from the state treasury to aid in the support of the following named charitable institutions of Milwaukee:

Home of the Friendless	\$1,000
St. Aemilianus Asylum.....	1,000
Milwaukee Orphans Association.....	1,000
St. Rose's Orphan Asylum.....	1,000

In consequence of these state appropriations, these institutions are brought under the supervision of this Board. In the discharge of our prescribed duties, we have frequently visited these charitable institutions several times during the past year. At each visit we were impressed with the very marked evidences of care and comfort which we saw. We are fully convinced that ever dollar given in aid of these charities is husbanded with scrupulous honesty and applied with prudence to the purposes intended.

THE HOME FOR THE FRIENDLESS.

This institution is managed by a board of directors, composed of about thirty of the most prominent ladies of Milwaukee.

The officers of the Home are

President—Mrs. Chas. Keeler.

Vice-President—Mrs. Jason Downer.

Secretary—Mrs. Wm. L. Dana.

Treasurer—Mrs. John Nazro.

Matron—Miss Helen Myrick.

For the very gratifying success which has attended this institution, too much credit cannot be given to the noble women into whose hands its management is committed. Hundreds of once homeless and destitute women and children, owe their present comfortable circumstances in life to the generous efforts and unstinted charities of the good ladies of the Milwaukee Home for the Friendless.

The following extract from the annual report of Mrs. Dana, the efficient and indifatigable secretary will best exhibit the operations of the Home for the past year.

"The object of the Home for the Friendless requires little explanation. It is intended for "a help in time of need" to destitute women and children; to provide them with temporary shelter; to give them rest and comfort in a genuine christian home until employment or other homes can be obtained. The very spirit and purposes of our charity excludes all encouragement of idleness; it can only give disappointment to those who expect to find an assylum for indolence. There is no distinction of sect or nationality, no certificate of character is necessary; only the assurance of actual need is required to gain admission.

"The Young Woman's Home is a younger branch of the institution, but hardly less important. This department was opened on the 1st of April, 1873, for the purpose of providing for those young women without a home in the city whose wages are inadequate to meet their necessary expenses. For the payment of \$2.00 per week, a sum hardly sufficient to cover the actual cost, they are supplied with the comforts of a home, and are spared the trials and temptations incident to cheap boarding houses. A careful scrutiny of the operation of this department brings the conviction that this is one of the truest and wisest forms of charity, and that it is bestowed upon those who appreciate and profit by the advantages extended.

"The work is therefore a double one, or more often, quadruple, combining, as it generally does, the various branches of a home for transient inmates, an Old Ladies' Home, a Nursery, and a Young Woman's Home.

"The statistics of the year will prove its progress. There have been 390 inmates received, 126 more than during the previous year. Of these, 15 were old women, 52 children, 175 widows and deserted wives. There have been 31 in the Young Woman's Home

As an imperfect view of aid bestowed, 20,908 meals have been furnished; homes have been found for 6 children; several families have been assisted to begin housekeeping; clothing has been furnished for the needy, and tickets have been bought or passes obtained to send destitute travelers to their friends.

“ From so many cases of peculiar distress it is difficult to select examples. A norwegian woman with three children, abandoned by a drunken husband, was found on Goodrich's Dock and brought to the Home. Her husband having been sent to the House of Correction, she was enable to go to her friends.

“ An old woman 75 years of age, who had come from England to meet a brother, who failed to appear, was found on the street in an exhausted condition, and cared for until she continued her journey.

“ A women with several children, whose home on the south side was burned, was assisted to begin housekeeping once more.

“ A young girl of fourteen, turned out of her uncle's house, was provided with a situation.

“ A boy of eleven, of gentle and quiet manners, with some musical ability and a great eagerness for an education, remained some time at the Home, and was afterwards sent to a home in the interior of the state.

“ Instances of absolute and pressing need might be indefinitely multiplied. That such a work is carried on without any obstacles or discouragements is, of course, impossible; but the belief that the cases of deception and ingratitude are far outweighed, if not outnumbered, by those of real worth, is sufficient reward to the workers.

“ The financial affairs of the institution are in prosperous condition, though careful management is required to accomplish the work with the amount of funds supplied. The appropriation of \$1,000 from the legislature gave assistance which was greatly needed. The managers believe that this aid from the state proves an economy as well as a benevolence, as those who would otherwise be thrown upon the care of the state institutions are provided for more cheaply at home.

“ The experience of each added year brings a deeper appreciation of the services of Miss Myrick, the matron of the Home. Her management of the complicated affairs of the household gives evidence of a rare combination of insight and decision with sympathetic and helpful influence. * * * * *

"The gift from the directors of the Young Men's Association of six season tickets for their lecture course of last winter was peculiarly profitable and acceptable. The donations of books and periodicals from various friends have also been of great value.

"The bestowal of time and personal service is so rare a form of benevolence, that the Board desires to return especial thanks to those who have given such help; to the friend whose efforts have materially increased the financial prosperity of the Home, and to her whose Sunday afternoon readings throughout the year have been a missionary work of the most admirable and unostentatious character.

"It is not with ingratitude, but with full confidence in the willing charity of their friends, that the managers turn from the enumeration of gifts conferred to that of gifts desired. The measure of need is so far beyond the means at their disposal, that they earnestly appeal to the public for continued remembrance and aid. There are many methods of assistance, often overlooked, which involve but little sacrifice. The books, which accumulate rapidly in every family, and which are soon laid aside; the magazines and papers, which are seldom re-read, would be most serviceable at the Home. The farmers of the state, by contributions from their storehouses, can give material aid.

"If the interior workings of the Home, with all its needs and possibilities, so vividly impressed upon those engaged in its management, could be brought clearly before the public, as the pictures of a camera obscura are thrown upon the screen, no words of appeal would be required; the work would be its own most eloquent advocate.

"The success of the past justifies the hope of a broader future; the confidence that earnest Christian endeavor will, as heretofore, bear its fruitage, and that the followers of Him who had not where to lay His head will minister abundantly to the homeless and the friendless."

TREASURER'S REPORT.

HOME FOR THE FRIENDLESS, in account with Mrs. JOHN NAZRO, Treasurer.

	<i>Dr.</i>
To cash on hand at last report	\$120 01
To cash received from state of Wisconsin.....	1,000 00
county of Milwaukee.....	200 00
collections of financial agent.....	930 00
annual subscriptions and donations.....	574 65
jurors' fees.....	17 25
board of Young Woman's Home	1,001 00
citizens of Woodworth.....	5 70
Mrs. Allison's entertainment, Oconomowoc.	20 00
Thanksgiving offering, Spring-st. M. Ch....	9 00
Mrs. McDole Fund, balance.....	128 86
interest on money loaned.....	190 30
	<u>\$4,196 77</u>

	<i>Cr.</i>
By paid matron, services	\$400 00
servants and assistance	207 05
groceries and vegetables.....	1,047 47
stamps, stationery and printing	40 32
meats and fish	292 02
repairs and labor on premises.....	210 57
carriage and cartage.....	9 00
charity, and assistance to inmates ...	81 19
carpets, furniture and household goods.....	164 67
coal and wood, and preparing for use	325 98
insurance.....	80 00
ice	8 75
gas and oil	32 38
milk	80 16
medicines	67 00
transferred to building fund	500 00
cash on hand	750 26
Total.....	<u>\$4,196 77</u>

ST. AEMILIANUS ORPHAN ASYLUM.

A careful examination of the work of this Asylum will show that the aid it has received has not been unworthily bestowed.

The institution is under control of the following officers:

President—Rt. Rev. J. M. Henni.

Secretary—B. A. Westhoff.

Treasurer—August Greulich.

General Manager—Rev. Rector, C. Wapelhorst.

THE SECRETARY'S REPORT

Makes the following exhibit for the past year:

"As will be seen by the report of the sisters who manage the Asylum, there are at present seventy-six children at the Asylum. The last year eighteen boys were admitted, twenty-two were given up to relatives or bound out to good families.

"The children were instructed partly by the sisters, partly by the students from the seminary near by. At the annual examination there were present the officers of the Asylum and many others, and all were highly pleased with the progress in the different branches of learning. The receipts for the support of the Asylum, including \$10.65 balance on hand December 17, 1873, amounted to \$6,588.88, and the expenditures \$6,603.66, so that to-day, there is a balance due to the treasurer of \$14.78.

"There were many donations left at the Asylum, partly in products, partly in cash, which was used for the support of the children; the money amounted to \$781.01, which was, according to vouchers, expended for the Asylum by the sisters up to \$32.89.

"The whole expenditures for the Asylum, including insurance, interest on debt of the institution, repairs and new furniture, are \$7,351.78, deducting from this amount, furniture and extraordinary repairs, the cost for maintenance for each child would amount to \$76.14 per year. It will be seen by the report of the treasurer, that the principal receipts the past year were from the state of Wisconsin, \$1,000.00, from the county of Milwaukee, \$200.00, and the surplus found for the new building, which amounted to \$993.52, was, by order of the directors, transferred to the account for the support of the Asylum. The balance of the receipts were from the donations at the churches and the monthly payments of the members of the St. Aemilianus Orphan Asylum, from half orphans and friends of the poor orphans. To the liberal donation from the state of Wisconsin and the county of Milwaukee, as well as to the members of the St. Aemilianus Orphan Asylum, as to all others, who have so liberally assisted in the support of the Asylum, are we under many obligations and would express to them our heartfelt thanks.

"For the poor orphans, we would request all to extend their kind liberality in the future as in the past."

TREASURER'S REPORT.

AUG. GREULICH, Treasurer, in account with St. Amelianus Orphan Asylum.

Debtor.

By cash on hand, December 17, 1873	\$10 65
From state of Wisconsin.....	1,000 00
From county of Milwaukee	200 00
Three yearly offerings in the German Catholic Churches of Milwaukee.....	2,218 86
Monthly dues by members of St. Amelianus Orphan Asylum Society	888 67
Surplus of building fund.....	998 52
From county judge	48 68
From other donations	870 00
From Rt. Rev. Bishop Heis, administrator of Dr. Salzmann.....	100 00
From half orphans and others	763 50
Balance due treasury.....	14 78
Total	\$6,603 66

Credit.

To dry goods	\$1,360 44
meat	746 58
flour	855 40
salary of sisters and teachers	650 00
wood and coal	1,056 72
hardware and furniture.....	360 25
interest on debt	175 00
insurance.....	75 00
shoes.	206 00
hay and straw	189 25
potatoes	178 23
medical attendance and medicine	100 22
repairs and materials.....	519 70
other small accounts	620 92
Total.....	\$6,603 66

AGE OF THE CHILDREN.

The number of children is 76, of whom 39 are full orphans, of '4 the mother is in the insane asylum, the farther dead, and 37 half orphans.

1 is 16 years old.	10 are 7 years old.
1 is 14 years old.	4 are 6 years old.
8 are 12 years old.	4 are 5 years old.
5 are 11 years old.	9 are 4 years old.
8 are 10 years old.	8 are 3 years old.
11 are 9 years old.	8 are 2 years old,
9 are 8 years old.	

PARENTAGE OF CHILDREN.

Americans	6	English	1
Germans	18	Irish	82
Scotch	2	French	3
Norwegian.....	1	Polanders and Bohemians.	14

SCHOOLS:

There are 4 teachers employed to instruct the inmates of the Asylum in reading and writing, the English and German languages, also in Arithmetic, Geography, Natural Philosophy, History of the U. S. and Compositions.

MILWAUKEE ORPHAN ASYLUM.

The record of the transactions of this institution for the year just closed, is one that reflects great credit upon the devoted and self-sacrificing women in charge of its affairs. Its management is characterized by an unflagging zeal, strict economy, and judicious expenditures.

The asylum is under control of a board of managers, consisting of about forty of the first ladies of Milwaukee.

The officers are—

First Directress—Mrs. C. Shepard.

Second Directress—Mrs. S. S. Sherman.

Third Directress—Mrs. R. D. Jennings.

Treasurer—Mrs. J. H. Van Dyke.

Secretary—Mrs. Wm. P. Lynde.

Corresponding Secretary—Mrs. A. F. Clarke.

Matron—Miss Maria Mason.

Teacher—Miss — Wells.

The institution has just passed the first twenty-five years of its existence. The report of the secretary contains a very full statement of the work of the asylum, since its foundation in 1850. A careful perusal will convince any one that few institutions can show a greater amount of good accomplished—one, whose benefits are so fully commensurate with the costs.

The Secretary says:

“The report of the Matron gives so fully the present condition and year’s experience that very little remains for me to supplement. The increasing numbers and wants of the household have necessitated an addition to our building, containing a furnace and drying room, and laundry accommodations, two play rooms, one each for

boys and girls, a greatly needed hospital, a nursery and a few sleeping rooms. All these, and the introduction of water from the city supply and plumbing, have involved great expense, and drawn largely upon our reserved funds. We had hoped to accomplish the work with the amounts appropriated by the legislature of last winter, and the sum received from the Northwestern Railroad, and the proceeds of the concert for our benefit by the Milwaukee Amateur Minstrels, but the cost has considerably exceeded this amount, and our hospitals and sleeping rooms are not yet furnished. Are there not laid by, in the luxurious homes of our city, unused supplies, gay pictures, soft blankets, extra beds, little chairs and cribs that would make comfortable and cheerful this hospitable for our sick children; cause some aching, restless little heads to lie easier, some fretful, weary hour to pass more quickly; for orphans, destitute and dependent though they be, are as keen to suffer and as quick to feel as are the fortunate offspring of the rich.

“We propose, in memory of the kindness of the Amateurs who gave the concert for our benefit, to name this hospital, which their efforts contributed to build, Minstrels’ Hospital, and trust the remembrance of this kindly effort of their young life may prove as pleasant a reminiscence in their future as we assure them it will be to ours.

“The financial depression of the year, while it has diminished the sum of subscriptions, will be very likely to increase our family. We have had during the year no greater number of inmates, but more children have been admitted into the asylum, and there are at present fewer who have remained for a term of years than at any former period. This is a condition that involves greater expense, and yields less in material return than our ordinary state. As a rule, children come into the Asylum destitute, and must be clothed, and, except in very rare instances, must be sent out comfortably supplied. Such children require extra care and training, and being too undisciplined to be useful, and remaining too short a time to be taught, make greater demands upon the labor and cost of the household. We have suffered an unusual amount of sickness from children’s contagious diseases, and from the prevailing unhealthful condition of the city, and one of our little ones has died suddenly from cerebro-spinal meningitis.”

From the report of the Matron, we obtain the statistics of the Asylum, as follows:

There are now in the Asylum.....	40
Received during the year.....	54
Discharged	69
Died	1
Whole number since the foundation.....	720
Average number of children during the year.....	41
Average number of family during the year	<u>47</u>

AGES.

3.14 years.	11..... 6 years.
8.....18 "	9..... 5 "
8.....12 "	11. 4 "
7.....11 "	8..... 8 "
14.....10 "	10..... 2 "
12..... 9 "	1 infant.
9..... 8 "	Average age 7¼ years.
14..... 7 "	

PARENTAGE.

American..... 84	Norwegian 7
English..... 12	Welsh 7
German 36	Irish 6
Scotch..... 7	French..... <u>1</u>

CHILDREN'S WORK.

For the Empire Chair Manufacturing Company they have caned..	100 seats
For other people	20 pair.
Have knit stockings.....	60 "
Have knit mittens.....	6 "
Have hemmed handkerchiefs	40 "
Have hemmed tablecloths.....	4
Sewed carpet rags for 80 yards of carpeting.	

They also help in various other ways, such as making their own beds, both boys and girls, washing dishes, sweeping, etc.

The treasurer's report makes the following exhibit:
Mrs. J. H. Van Dyke, *Treasurer*, in account with The Milwaukee Orphan Asylum:

	Dr.
For board of children.....	\$617 63
Pledged subscriptions.....	8,359 68
Annual subscriptions or street collections	613 84
Thanksgiving offerings Grace Lutheran Church	14 50
Immanuel Union Presbyterian.....	68 63
St. Paul's Episcopal	43 40
Olivet and Baptist Union Service	30 07
Spring Street Methodist.....	9 00
Plymouth Congregational	89 31
Donations	55 32
Mrs. A. Mitchell.....	25 00
Mrs. Hodges.....	25 00

Mrs. James H. Rogers	25 00
Mr. E. T. Mix	50 00
Proceeds of steamboat excursion given by Mr. Engleman.....	190 84
Children's work	16 50
State appropriation	1,000 00
County appropriation.....	200 00
Proceeds of entertainment given by Milwaukee Amateur Min- strels.....	385 00
From Mr. Mariner for damages by N. W. R. R.....	1,310 18
Interest on Milwaukee Iron Co. Bonds	400 00
Dividends on gas stock.....	80 00
	<hr/>
	\$8,568 03
Interest on deposits.....	478 50
Balance from last year.....	8,394 17
	<hr/>
Total.....	<u>\$17,430 70</u>

	CR.
Matron's salary	\$400 00
Housekeeper's salary	250 00
Teacher's salary.	295 00
Milk bill	340 76
Flour and meal.....	338 58
Meat	263 67
Wood and coal	451 97
Gas	87 14
Groceries and vegetables	870 88
Dry goods.....	290 92
House repairs, insurance, etc	330 91
Shoe bill	178 55
Books, servants, Christmas, etc....	942 99
Gas stock premium and dividend.....	118 33
New building.....	8,294 82
	<hr/>
	\$8,548 95
Bank balance Nov. 12th	7,881 98
Credit in bank less checks out	1,097 85
Cash on hand.....	8 32
	<hr/>
Total ...	<u>\$17,430 70</u>

ST. ROSE'S AND ST. JOSEPH'S ORPHAN ASYLUMS.

These institutions are under the same board of management, the former for girls, the latter for boys. They are under the immediate control of Sister Camilla, a lady of great worth, who is religiously devoted to her noble work. These asylums are accomplishing great good, and they are doing it at the least possible expense.

The Hon. Edward O'Neill sends us the following statement of the receipts and expenditures of the asylums—a condensed statement of receipts and disbursements of Saint Rose's and Saint Jo-

seph's Orphan Asylums, at Milwaukee, for the year ending December 5, 1874:

RECEIPTS.

Balance on hand, December 6, 1873	\$4,195 93
Receipts from other sources	10,568 14
Total for 1874.....	<u>\$14,764 07</u>

EXPENDITURES.

Total for 1874.....	<u>\$15,782 78</u>
Deficit for the year 1874.....	<u><u>\$968 66</u></u>

POPULATION AND RESIDENCE OF THE CHILDREN.

The following statement will exhibit the number of children supported at the asylums during the year 1874; also the county to which the children belong, and to which their support is justly chargeable.

ST. ROSE'S ASYLUM.

4 from Ozaukee county.	1 from Washington county.
2 from Dodge county.	1 from Jefferson county.
3 from Rock county.	1 from Chicago.
3 from Walworth county.	1 from Mississippi.
3 from Waukesha county.	1 from Prairie du Chien.
2 from Sheboygan county.	2 from Green Bay.
3 from Dane county.	1 from Canada.
1 from Fond du Lac county.	2 from Manistee.
2 from Racine county.	2 from St. Louis.
4 from places outside of Milwaukee.	
Total outside of Milwaukee	39
Total from Milwaukee	73
	<u>112</u>

ST. JOSEPH'S ASYLUM.

3 from Washington county.	1 from Rock county.
1 from Dane county.	1 from Prairie du Chien.
2 from Dodge county.	2 from Grand Rapids, Wia.
1 from Marathon county.	1 from Iowa.
3 from Trempeleau county.	3 from Ireland.
1 from Ozaukee county.	1 from Portage City.
1 from Waukesha county.	2 from Michigan.
1 from Oskosh.	2 from Bay City, Mich.
Total outside of Milwaukee	26
Total from Milwaukee	85
	<u>111</u>

We have noticed, as briefly as possible, the general operations of the above charitable institutions of Milwaukee. We have tried earnestly during the year to acquaint ourselves with the general work of these institutions. We have seen enough to convince us that they are all managed with a view of accomplishing the greatest good, consistent with the most economical expenditure of money. Their charities are extended to the utterly poor and homeless, without regard to locality. The records of each one show that fifty per cent. or more of those received during the year are not a charge upon the city of Milwaukee, but come from interior counties. Many others it is difficult to locate.

These institutions will again ask the legislature for a small pittance to aid them in their work. We bespeak for them and their claims a careful and unprejudiced consideration.

OTHER PRIVATE CHARITABLE INSTITUTIONS.

There are a number of other institutions of private charity, in the state that are doing an excellent work in the relief of the temporary wants of indigent persons. Among those that have recently formed, and which are specially deserving of mention, is

THE FOND DU LAC RELIEF SOCIETY.

The society was organized immediately after the great northern fires of 1871, for the purpose of collecting, forwarding and distributing aid to the afflicted. Experience soon demonstrated the necessity of maintaining the society permanently; for after the immediate cause that had called it into existence had passed away, a large field for charitable labor was found in the neighborhood of its members.

The necessary steps were taken, and the society under the above title, was duly incorporated in January, 1873.

Believing that great good could be accomplished, by establishing and maintaining a Home for the friendless and Hospital for the indigent sick, the society purchased a lot containing about an acre of ground, with a good frame house, which with the improvements made, cost \$4,100 all of which since was raised by voluntary contributions of citizens.

The house was opened in January 1874, and has had since that time about forty inmates, a large portion of this number but temporarily.

There are now Dec. 1, 1874, 12 inmates—the building has capacity to accomodate about 25.

The affairs of the secretary are conducted by a board of thirteen trustees.

The present officers are,

MRS. E. T. BEAL, *President.*

MRS. W. H. WALKER, *Treasurer.*

MRS. W. H. HINER, *Secretary.*

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First Annual Report

OF THE

RAILROAD COMMISSIONERS

OF THE

STATE OF WISCONSIN.

1874.

MADISON, WIS.:
ATWOOD & CULVER, PRINTERS AND STEREOTYPERS.
1874.

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REPORT.

To the Honorable Legislature of the State of Wisconsin:

The Railroad Commissioners, in submitting their first annual report, deem it proper to make mention of the inherent difficulties of the task assigned them, and the extraordinary embarrassments they have encountered.

In some of its provisions, the law under which they were required to act was found to be technically imperfect, and in other respects obviously impracticable. Construed in the most literal manner, it imposed duties for which neither the time allotted them, nor the means at their command, were found sufficient. In addition to this, it became manifest to the commissioners soon after their appointment, not only that the law was met by the more powerful railway corporations with a determined resistance, the public press teeming meanwhile with declarations of its injustice, impracticability and unconstitutionality, but that, on the other hand, that portion of the public interested in the execution of the law, and even prominent jurists whose opinions had the weight of authority, were looking to the board for the enforcement of all its provisions. Moreover, quite early in the season, as is well known, the vital principle of the law—involving the constitutional relations of the state to corporate power—was vigorously contested before the courts of the state and of the United States. While the progress already made toward a final settlement of the fundamental issue thus created—progress chiefly due to the efforts of the executive department—and the consequent acquiescence, for the time being, of the railroad corporations in the settlement of the issue thus created, have relieved the commissioners in a good degree from some of the embarrassments they met at the outset, it should nevertheless be borne in mind, that from first to last, they have found themselves in the midst of circumstances less than favorable to the most satisfactory progress of their labors.

PART I.

THE WORK OF CLASSIFICATION.

Soon after the organization of the board, early in May, and the determination of a general plan of procedure, your commissioners prepared and issued, for the use of the railroad companies and the public, the classification of roads and of fares and freights herewith submitted, in accordance with the provisions of sections 2, 3 and 13 of the law. [See pp. 1-4, of this report.]

Section 13 likewise empowers the board to make important changes in existing classifications of articles of freight transported on any railroad or parts of railroads, and "to reduce the rates on any of said railroads or parts of railroads, either in general or special classes, when in their judgment, or a majority of them, it can be done without injury to such railroad."

This power to reduce the rates we have not seen fit to exercise. Nor have we made any of the changes in classification which the law authorizes, although there have been some reasons for so doing; deeming the policy of non-interference wise in all cases where there was room for doubt, and believing that further time, and a thorough investigation were essential to just conclusions.

RECEIPTS, COST, NET EARNINGS AND INDEBTEDNESS.

The law also prescribes that the commissioners shall, during the month of January in each year, ascertain and make return to the State Treasurer,

"1. THE ACTUAL COST of each railroad in this state, up to and including the 31st day of the next preceding December; and if such railroad shall be partly in and partly out of this state, then the actual cost of so much thereof as is in the state.

2. THE TOTAL GROSS RECEIPTS resulting from the operation of every such railroad during the next preceding year, ending on the 31st day of December, or of that part of the same which is in this state.

3. THE TOTAL NET EARNINGS resulting from the operations of any such railroad during the next preceding year, ending on the 31st day of December, or of that part of the same which is in this state.

4. THE TOTAL INTEREST-BEARING INDEBTEDNESS of the company owning or operating such railroad, and the amount of interest paid by such company during the next preceding year, ending on the 31st day of December; and if

any part of such indebtedness has been incurred in consequence of the construction, maintenance, repair, removal or operation of any part of such railroad which is not in this state, or for equipment for such part, such railroad commissioners shall ascertain and determine in such manner as they shall think just and equitable, how much of its indebtedness is justly chargeable to that part of said railroad that is in this state, and how much interest shall have been paid by such company during such year ending on the 31st day of the next preceding December, on that part of such indebtedness which is justly chargeable to that part of said railroad that is in this state."

THE QUESTION OF ACTUAL COST.

It would be presumption to assume, under the most favorable circumstances, that an investigation such as that required by the law, involving the complicated history of railroad construction and management in this state for more than twenty years, could be conducted to exact conclusions within a term of six or eight months. The commissioners, in fact, have much reason to doubt whether the question of "actual cost" can ever be determined with precision, from any data at present or heretofore in existence, either by the state or even by the owners and managers of the property. The elements of cost often include exchanges of value under every possible form, and under all conceivable circumstances, with no record preserved, except of the nominal sums paid and received. In original railway construction, bonds and stock are exchanged indifferently, for labor or property; sometimes sold for money, hypothecated for loans, donated for contingent purposes, divided as interest on investment, or sacrificed wholly on sale and foreclosure. Oftentimes the record is itself wanting, and even nominal amounts of investment become the subject of speculative estimate. The law, however, has left to the commissioners no alternative as to this branch of investigation; and, accordingly, the commissioners have applied themselves to this task as industriously as possible, presenting as the result—

First—Such facts as were to be gathered from the official reports of the several railway companies from the date of their organization to the present time (see pages 78–185 of this report);

Secondly—Estimates made by the companies themselves of the present cash value of their several lines respectively, or statements of actual cost as recorded upon their books, (see pp. 186–226); and,

Thirdly—Such calculations as could be made on the basis of the market value of the stock and bonds of the two principal corporations.

Among the results of the first-named method, there will appear from the statistics referred to: (1) that the companies reporting to this state had, on the 31st of December, 1873, a total mileage of 4,686.70 miles of railway exclusive of sidings, of which total, 2,360.16 miles belonged to Wisconsin; and (2) that the total cost of the 4,686.70 miles, as reported to the state on that date, was \$156,862,288.39, or 33,467.31 per mile; the mileage and cost of each road being as follows:

COST of Railroads reported to this State, Dec. 31, 1873.

ROADS.	Total Miles of Road.	Total Cost of Road and Equipment.
Chicago and Northwestern.....	1,986.85	\$64,310,228 88
Northwestern Union.....	63.30	2,872,184 35
La Crosse, Trempealeau and Prescott.....	28.00	1,426,713 68
Milwaukee and St. Paul	1,399.00	} 53,824,503 75
Madison and Portage.....	39.00	
Oshkosh and Mississippi	20.00	
Western Union.....	219.75	7,905,248 18
Wisconsin Central.....	320.00	5,214,230 03
Milwaukee and Northern.....	125.77	4,300,829 34
Green Bay and Minnesota.....	150.00	.....
West Wisconsin.....	211.00	7,125,000 00
Milwaukee, Lake Shore and Western.....	125.60	3,750,000 00
Mineral Point.....	51.00	1,200,000 00
Prairie du Chien and McGregor.....	2.00	51,100 00
Sheboygan and Fond du Lac.....	78.00	2,622,861 11
Wisconsin Valley	60.00	1,059,962 96
St. Croix and Lake Superior .....	.....	447,500 00
Superior and St. Croix.....	24.60	.....
Total	4,686.70	\$156,862,288 39

PRESENT CASH VALUATION.

The returns on pages 186 to 226, inclusive, merit special attention. In order to procure them, the commissioners, early in autumn, addressed a circular to the several railroad companies doing business in this state, accompanying the same with a blank form, requiring detailed estimates as to the present cash value of the property invested by such companies within the state. This information, as far as obtained, will be found in the subsequent pages of this report. Though not complete, it is yet valuable with reference to future estimates, and as an example of what may be accomplished by continuous investigation by this method. The estimate made by the Chicago, Milwaukee and St. Paul Company deserves special consideration, because of the completeness of its details and the high character of the engineers by whom the estimate was made. Allowance must be made for the fact, however, that the investiga-

tion was necessarily prosecuted under the immediate direction of the company interested, and that the estimates of value refer more especially to the years 1872-3, when the prices of labor and materials, and particularly the price of iron, ranged higher than during the past year. Possibly the returns made by this company are the only ones received by the commissioners which give the results of actual estimates by engineers. Several of the others are statements of aggregates, merely, unaccompanied by schedules, and hence afford no interested party an opportunity for verification, without himself making a full inventory of the property.

Moreover some of the returns include considerable amounts paid out as interest on indebtedness, as well as the sums sacrificed in the form of discount.

An examination of the valuations returned will show that the total cash valuation of all the roads reported is \$68,680,444; in other words, that the valuation of 1,968.74 miles of road aggregates that amount; the average per mile being \$34,885.78 and the mileage and cost of each road as follows:

Present Cash Valuation and reported Cost of Railroads in Wisconsin, as returned to the Railroad Commissioners, within the month of January, 1875.

NAMES OF ROADS AND BRANCHES.	Miles in Wisconsin.	Cash Valuation.
Chicago, Milwaukee and St. Paul		
Milwaukee to La Crosse	197.80	¹ \$7,927,667
Watertown to Madison	87.00	¹ 1,030,070
Milwaukee to Portage	104.30	¹ 3,790,045
Horicon to Berlin	42.40	¹ 1,037,738
Rush Lake to Winneconne	14.20	¹ 343,080
Milwaukee to Prairie du Chien	194.00	¹ 7,633,447
Milwaukee to Monroe	43.60	¹ 1,869,275
Milwaukee to State Line	87.50	¹ 1,091,038
Chicago and Northwestern, (proper)	295.76	² 16,368,571
Menomonee Extension	49.45	²
Madison Extension	129.10	² 5,842,169
La Crosse, Trempeleau and Prescott	29.00	² 1,406,219
Northwestern Union	62.63	² 2,835,307
Chippewa Falls and Western	11.00	² 180,300
Green Bay and Minnesota	213.00	² 4,072,967
Mineral Point R. R.		
Main Line	81.00	² 1,123,175
Dubuque, platteville and Milwaukee	18.00	² 431,580
Oshkosh and Mississippi ...	20.00	² 317,891
West Wisconsin	185.50	² 4,577,982
Wisconsin Central	194.00	² 6,671,483
Wisconsin Valley	60.00	² 1,110,445
Totals	1,968 74	\$68,680,444

¹ Cash valuation unequipped, as returned by Engineers. Average value of equipment per mile \$6,144.

² Reported as actual cost unequipped. Average cost of equipment \$6,308 per mile.

³ Cost equipped.

One of the most notable facts brought out by these inquiries, is the great difference in the reported cost and estimated value of the roads, as compared with official statements when portions of them were in course of construction. [See especially pages 78-82, 101 and 227.] Another is the marked difference in the present cash valuation and cost of the roads as reported by the companies; the range being from \$19,121 to \$62,308 per mile.

Between the average cost per mile of the Chicago and Northwestern proper and the valuation of the Chicago, Milwaukee and St. Paul—roads not very unequal in apparent cost—the difference amounts to \$19,267 per mile; a little more than the total reported cost per mile of the Green Bay and Minnesota Railroad.

While there is good reason to believe that the cost of our roads has, with but few exceptions, been greater than it ought to have been, it is no more than just that it be pointed out as a fact that, in respect of reported cost, we have not outdone the other states, nor very nearly approached the average for the whole United States, which is lower than that of any other country in the world except Greece and Turkey. [See page 279.]

Average reported Cost, per mile, of Railroads.

Wisconsin.....	\$33,469
Southern States.....	36,994
New England States	47,840
Western States.....	52,125
Middle States.....	67,737
Pacific States	95,590
United States	53,567
Canada.....	70,160
South America.....	87,008
Europe.....	128,218

GROSS EARNINGS OF RAILWAYS IN 1873.

The reports of the companies owning lines both inside and outside the state generally fail to give separate statistics as to that portion of their lines inside the state, except as to gross earnings. The gross earnings of five companies in 1873 are thus divided:

COMPANIES.	Total.	In Wisconsin.
Chicago and Northwestern	\$18,816,464 59	\$2,962,563 18
Chicago, Milwaukee and St. Paul.....	9,046,123 57	5,975,044 72
Western Union.....	1,137,634 23	441,075 98
Mineral Point.....	128,121 33	123,081 29
Sheboygan and Fond du Lac.....	135,777 28	131,789 80

Inasmuch as the income to the state from railroads is directly affected by this apportionment, the accuracy of the return becomes a matter of special importance. The brief time allowed the commission has rendered it impracticable to pursue this branch of the investigation to that extent which the interests of the state demand. The correctness of all past apportionment made by the Chicago and Northwestern Company depends entirely upon the faith of the company. That of the Chicago, Milwaukee and St. Paul Company is based upon detailed statements of the earnings of the several branches of the road lying within this state, and accords with the gross receipts of the lines as given in the printed reports of the president and directors to the stockholders of the company, and entered upon the books of the company, with the exception that the report of gross earnings to the state is a certain sum less than the sum of gross earnings of the company in the state, as shown by the books of the company for the same year. This difference is substantially the difference between the earnings of the road proper inside the state, and the earnings of the company inside the state including the earnings from Milwaukee elevators and those credited to ferriage across the Mississippi river at Prairie du Chien.

PAYMENTS FOR DIVIDENDS, INTEREST AND NEW CONSTRUCTION.

The following facts of general importance appear from the reports of the companies for the year 1873:

1. Two roads only—the Chicago, Milwaukee and St. Paul, and the Chicago and Northwestern—actually paid, or were able to pay, dividends on stock.

2. The aggregate amount paid from earnings for interest on debt, by all the roads, was \$4,608,839.29—an average of less than 5½ per cent. on the total debt.

3. The whole amount paid and reported as cost of new construction during the year 1873, amounted to \$4,962,770.16, which whole sum was paid on account of the Chicago, Milwaukee and St. Paul, and the Chicago and Northwestern, or for road operated by them, except the sum of \$302,222 reported by the Green Bay and Minnesota Company, and the sum of \$142,710.31, reported by the West Wisconsin Company.

Accepting the reports of the companies as authority, these facts clearly demonstrate that with the exception of the two main rail-

way organizations of the state, no railroad company in Wisconsin earned an adequate compensation on its assumed capital during the year 1873. We have already incidentally expressed our conviction of this fact in another portion of this report; and we here add, that in the opinion of the commissioners, the assertion made as to these roads for the year 1873, is equally applicable to all previous years, and also to the year 1874.

EXCEPTIONS TO THE RULE.

The operations of the Chicago, Milwaukee and St. Paul and of the Chicago and Northwestern companies are possible exceptions, and in order to determine the extent of restrictive legislation in respect to these companies, the statistics reported demand a closer scrutiny. For this purpose, we do not propose any reference to facts other than those given in the certified reports of the companies themselves, or otherwise obtained from reliable sources.

GROSS EARNINGS OF CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

On the 31st day of December, 1873, the total length of this road according to the printed report of the company, was 1,399 miles, and length in Wisconsin 622 miles. The cost of the whole property at that date was represented as follows:

Mortgage Bonds	\$26,262,500
Preferred Stock	12,274,483
Common Stock	15,399,261
Total.....	<u>\$53,936,244</u>
Less cost of Western Union	1,500,750
Company's stated cost of 1,399 miles	<u><u>\$52,435,494</u></u>

Or about \$37,480 per mile.

The gross earnings of the same year were \$9,046,123, or an amount exceeding 17 per cent. of stated cost.

The operating expenses of 1873 are given at \$6,594,560, or over 12 per cent. of stated cost, and about 73 per cent. of gross earnings.

The net earnings, thus ascertained, were \$2,451,563 or 4.67 per cent. of total cost.

From these net earnings were paid the interest on bonds, amounting to \$1,839,643, or over 7 per cent. on the total amount of bonds, and leaving an excess of \$611,920—or about 2.21 per cent. on the total amount of preferred and common stock.

No one will assume that the net earnings, as stated, were excessively large. The only question to be determined is, whether the sum named and set apart as net earnings, represents the whole amount that should be properly assigned to that account.

It appears from the accounts of the company that of the total earnings of the company for 1873, amounting, as above stated, to \$9,046,123, the sum of \$6,594,560 was paid for operating expenses on a line 1,399 miles in length, while the whole cost of operating the same road the previous year for a line averaging 1,289 miles in length, was but \$4, 695,616—the increase of road over 1872 being about 8 1-2 per cent., and the increase in operating expenses over 1872 being about 40 1-2 per cent. It also appears from the report of the General Manager of the company for the year 1873, that the increase in the operating expenses for that year, was “due to the improvement made in the condition of the track during the year, by the purchase and use of 5,834 tons new iron rails and 6,103 tons steel rails; the cost of which, together with the expense of new ties, ballasting, etc., was charged wholly to operating expenses.”

Referring to the manager's statement of operating expenses for 1873, we find that the expenditures for repair of track, bridges, fences, buildings, locomotives, cars, tools and machinery, make the sum of \$2,024,495.80; that the expenditures for management and general office, foreign agency and advertising, station service, conductors, brakemen, engineers, firemen, wipers, train and station supplies, fuel consumed, oil and waste, personal injuries, damage to property, other loss and damage, legal expenses, New York office, taxes, insurance and miscellaneous purposes make the sum of \$2,970,012.50; that the expenditures for stock-yard, Mississippi river ferry, rent of locomotives, rent of cars and expenses of elevators, make the sum of \$82,220.41, and that a still further expenditure was charged to operating expenses, as follows:

For renewal of track	\$1,408,459 93
For new bridges.....	-41,787 48
For new buildings.....	62,411 89
For new tools and machinery	5,172 32
Amounting to	<u>\$1,517,831 62</u>

Obviously, a portion of this last sum of \$1,517,831.62 should have been included in the cost of new construction and in the statement of net earnings. Certainly, the cost of new steel rail, whether laid upon new line, or substituted for old iron rail upon old line,

does not wholly belong to operating expenses; and when such rail is paid for from the earnings of the company, any part of the amount paid therefor in excess of the cost of replacement or repairs, is as much a portion of the net earnings, as the amount paid for interest or dividends. Precisely how much the apportionment of these expenditures to the proper account would add to the net earnings of the company for the year, it is unnecessary for the commissioners to estimate, under existing circumstances. It is believed, however, that had such an apportionment been accurately made for the year named, the net earnings would have quite or nearly sufficed for the payment of all interest on bonds, all operating expenses, and a small dividend on all the stock of the company.

The directors of the company practically accomplished the same purpose, except as to the payment of a dividend on the common stock. That is to say, instead of setting apart the whole of the net earnings for interest and dividends, they expended a portion of those earnings for new construction, and paid a dividend of seven per cent. on the preferred stock in new consolidated bonds, thus indirectly adding the cost of new construction to the debt. The difference in the method of disposing of the net earnings adopted by the company, and the direct application of all the net earnings to the payment of interest and dividends, is, that by the method adopted by the company, the owners of the common stock run the risk of being compelled to contribute their share of the net earnings wholly to the capital for the general benefit.

DEBT AND EARNINGS FOR WISCONSIN.

In treating of net earnings on this road thus far, we have had reference to all the lines owned by the company. The comparative facts as to that portion of the lines within the state, and that portion of the lines without the state, during the year 1873, are worthy of special consideration.

The funded debt of the Chicago, Milwaukee and St. Paul Railway Company is now consolidated. The total of this debt and stock for 1873, (exclusive of cost of Western Union Road), amounted to \$52,435,494. If apportioned upon the basis of length of road, the amount imposed upon lines within the state of Wisconsin, is about \$37,480 per mile, or an aggregate of about \$23,313,000. The aggregate amount of debt and stock charged by the company to the Wisconsin portion of its road in 1873 was \$27,161,630.

The total earnings of the road lying within the state, for 1873, were over \$6,000,000. [See printed report of company. Also Mr. Cary's speech before the Wisconsin legislature, 1874.] With not much more than one-half the debt, the Wisconsin lines earned more than two-thirds the income — the gross earnings of the entire road, for 1873, being \$9,046,123. The net income of the Wisconsin lines, as shown by the last printed report of the General Manager, was over \$1,800,000—sufficient to pay about seven per cent. interest on all the bonds, preferred stock and common stock on the Wisconsin portion of the road, at the rate of \$37,480 per mile, and leaving remainder of nearly \$200,000. This sum would also pay a reasonable interest on the whole investment within the state, as reported by the company, without including net earnings expended for new construction.

It is impossible at the date of making this report to give the details of business on the Chicago, Milwaukee and St. Paul lines for the year ending December 31, 1874. The gross earnings of the company for the year are given by the General Manager at \$8,953,017.11, and the operating expenses for the eleven months ending November 30, 1874, at \$5,416,809.48. [See page 33, this report.] The net earnings for 1874 probably equal or exceed the net earnings for 1873.

CHICAGO AND NORTHWESTERN RAILWAY.

Miles of road in operation May 31, 1873 (not including the Iowa Midland, the Winona and St. Peter, and the La Crosse, Trempealeau and Prescott roads), 1,459 52-100.

The stock, scrip and bonds of the company for the year ending May 31, 1873, are given in the annual report of the company for that year, as follows:

Common stock and scrip.....	\$14,993,020 40
Preferred stock and scrip.....	21,484,063 42
Currency bonds	14,624,500 00
Gold bonds.....	10,384,000 00
Total.....	<u>\$61,485,583 82</u>

The cost of the road is represented as follows: road and equipment at consolidation in 1864, \$39,979,262.62. New construction and equipment since that time, \$22,106,835.98.

The stock and debt thus stated by the company, averages about \$42,113 per mile.

Gross earnings for year ending May 31, 1873, \$12,736,606.75, an amount over 20 per cent. of the total stock and funded debt.

The operating expenses for the year ending May 31, 1873, were \$7,776,168.13, or about 61 per cent. of gross earnings, and over 12½ per cent. on total stock and funded debt.

Adding an additional amount to operating expenses, for taxes paid by the company, and for renewals and expenses occasioned by the Chicago fire, of \$402,068.58, and we still have a balance left for net earnings of \$4,558,370.04, or nearly 7½ per cent. on total stock and bonds. After deducting interest on bonds (\$1,356,884.80), we have an excess of \$3,201,495 24.

From this excess (after payment of all interest on bonds), a dividend of 7 per cent. was paid on the preferred stock, and a further dividend of 3½ per cent. on the common stock (amounting to \$2,019,640.00), leaving a remainder from net earnings of \$1,181,845 24

From which remainder was paid—

For sinking funds.....	\$88,120 00	.....
Dividends on Chicago and Milwaukee stock ..	1,028 62	.....
Rent of leased roads, Iowa	928,423 09	.....
Total.....	<u>1,017,571 71</u>	

Still leaving a surplus for the year of \$164,273 53

The earnings and expenses of the following “proprietary” roads, owned by the Chicago and Northwestern Company, are not included in the foregoing statement of the earnings and expenses of the Northwestern proper, except as hereinafter explained, viz:

Winona and St. Peter,
La Crosse, Trempealeau and Prescott,
Winona, Mankato and New Ulm,
Iowa Midland.

The accounts of these proprietary roads are kept separately, the parent road, or Chicago and Northwestern proper, paying any deficiencies and receiving any surplus arising from their operation, extension or repairs.

The cost of the Winona and St. Peter road alone, represented by capital stock, bonds and unfunded debt, was reported by the Minnesota commissioners, Aug. 31, 1873, at \$10,604,878.74. This road received a land grant estimated to include 1,500,000 acres—much of which was sold at \$6.47 per acre. The Winona and St. Peter Company purchased 105 miles of this road of Danford N. Barney and others, and assumed a first lot of bonds equal to \$20,000 per mile; issued bonds to the parties of the first part to the

amount of \$12,000 more, issued stock to the parties of the first part also, to the amount of \$400,000 more, and released to the same parties the title to all the lands accrued—making a rate of about \$36,000 per mile received by Barney and others, besides the land. The whole road is 326½ miles in length, and its present officers and directors are officers and directors of the Chicago and Northwestern Company. [See Appendix for copy of agreement.]

The operating expenses, taxes and interest for the four proprietary roads, enumerated as not included in the report of the C. and N. W. Company, exceeded the gross earnings for the year ending May 31, 1873, by the sum of \$315,287.01—a deficiency necessarily made up from the net earnings derived principally from Wisconsin and Illinois. The only road of the four lying within the boundaries of Wisconsin, is the La Crosse, Trempealeau and Prescott, and that road is self-sustaining—thus showing that the deficiency named arose wholly from the operation of that portion of these roads outside the state.

Among the payments made from the net earnings of the Chicago and Northwestern Company for the year ending May 31, 1873, was the item we have heretofore given, of \$928,423.09 for “rent of leased roads, Iowa.” This rent was paid for the “Chicago, Iowa and Nebraska line,” (\$398,407.50) from Clinton to Cedar Rapids, and for the “Cedar Rapids and Missouri River Railroad” (\$530,815.58) from Cedar Rapids to the Missouri River, opposite Omaha. These two roads are over 350 miles in length.

The earnings and expenses of these two lines for the year ending May 31, 1873, are nowhere separately reported by the company—either in the annual printed report of the company, or in any report heretofore made to this state or to the state of Illinois. The report of the company for the year ending May 31, 1872, however, shows that the earnings of both these lines, together with the earnings of the Iowa Midland, above operating expenses, did not aggregate a sufficient amount to pay the rental on the two roads—the Chicago, Iowa and Nebraska and the Cedar Rapids and Missouri River—the deficiency being \$223,193.91.

The stock and bonds of the Cedar Rapids and Missouri River road are reported by Poor's Railroad Manual for 1874-5 to equal the sum of \$41,000 per mile—the aggregate amount being \$11,234,000. This road has also received from government a donation of land, already converted to possession, of 1,121,276 acres,

which, at an estimated value of \$5.00 per acre, would increase the first cost of the road to about \$60,000 per mile.

The Chicago and Northwestern Company leased this road, furnishes all the rolling stock, and for the year ending May 31, 1873, as hereinbefore stated, paid a rental of \$530,015.59. The road is about 272 miles long.

The report of the Chicago and Northwestern Company for the year ending May 31, 1874, furnishes a still more palpable evidence of the disproportionate expenditure of the income of the company proper, upon its "proprietary" lines. For further particulars we refer to the statistics on pages 101-111. The net earnings of the parent company for the year last named exceeded the sum of \$5,000,000, while the net earnings of the combined system of roads were about half that sum only. As the report of the company shows, the amount paid for rentals on Iowa roads the past year, was \$1,049,649.31; for expenses, interest, etc., of the proprietary roads, during the year, \$556,671.63, and for new construction and equipment of the proprietary roads, \$1,065,278.92. The statement of the general income account of the company for the same year shows a previous payment of advances to the same lines of \$865,702.93 from the income of the preceding year.

The fair inference from these premises is, that if the earnings of the Chicago and Northwestern Company were not disproportionately applied to the support of comparatively unprofitable purchases and rentals west of the Mississippi river, the surplus of the company for the fiscal year ending May 31, 1873, and also for the year ending May 31, 1874, would have been very largely in excess of the sum reported for net profits under existing circumstances.

The number of miles of road operated by the Chicago and Northwestern Company in the state of Wisconsin for the year ending December 31, 1873—exclusive of the La Crosse, Trempealeau and Prescott—is given by the company in its report to the Secretary of State, at 473 54-100, and for the year ending May 31, 1874, at 565-68 miles. We have no present means of ascertaining the separate cost and earnings of this portion of the road from the company itself. In its report to the state of Illinois for the year ending June 30, 1873, the company says:

"The line of road operated by this company extends into five different states; over these lines its equipment is run in common, or transferred from place to place as the changes in business may temporarily require. The ser-

vices of its officers and employés are distributed in like manner. As the business of a given number of miles maintains no uniform relation to that of any other given number of miles, it will be seen that no just proportion of the cost, or result of operating can be given as belonging to the state of Illinois."

The facts stated have an equal bearing as to proportion of cost and result of operating in Wisconsin.

We call attention to the fact that a portion of the bonded debt of the Chicago and Northwestern company in Wisconsin, consists of a first mortgage upon the Northwestern Union Road, from Milwaukee to Fond du Lac—a distance of $63\frac{30}{100}$ miles—amounting to \$3,500,000. The bonds secured by this mortgage are sinking fund gold bonds—at the rate of about \$55,000 per mile—the payment of which has been assumed by the Chicago and Northwestern Company. [See Bill in Chancery—W. F. Pick et al. vs. Railroad Commissioners—page xxx.] It is understood that this issue of bonds was made partially to cover the cost of the Lodi branch, no portion of which is yet constructed.

ORIGINAL SUBSCRIPTIONS TO STOCK.

In its report to Illinois for 1873, the officers of the Chicago and Northwestern Company say:

"This company has no record of subscriptions made to other companies now consolidated with this, but it is believed that the entire stock has been subscribed and paid in, amounting to \$86,477,073.82."

PASSENGER EARNINGS OF CHICAGO AND NORTHWESTERN.

The report of the Chicago and Northwestern Company for the year ending May 31, 1873, presents valuable facts in connection with the subject of passenger earnings. The gain on passenger earnings for that year over the previous year, was $7\frac{64}{100}$ per cent., while the rate per passenger per mile for 1872, was 3.28 cents, against a rate for 1873 of 3.16 cents—a decrease of $3\frac{66}{100}$ per cent., or $\frac{12}{100}$ of a cent per passenger.

The rate per passenger per mile under the present Wisconsin law, applicable only to passengers to and from points within the state, is 3 cents—a decrease of $\frac{16}{100}$ of a cent per passenger from average rates charged by the road for the year ending May 31, 1873, and of $.11\frac{1}{2}$ of a cent from rates charged by the road for the year ending Dec. 31, 1873.

The rate per passenger per mile, under the Minnesota law, applicable to the Chicago and Northwestern road (Winona and St. Peter line) is 4 cents, and the rate per passenger per mile under the Illinois law, applicable to the Chicago and Northwestern road, is 3 cents.

The General Manager of the Northwestern states, in his report of last year, that the decrease of $\frac{12}{100}$ of a cent per passenger per mile for the year ending May 31, 1873, made a difference on the whole line of only \$128,455.10. This upon the presumption that the travel was the same as it would have been under the higher rate.

FREIGHT EARNINGS OF CHICAGO AND NORTHWESTERN.

The gain in earnings from freight on the Northwestern road for the year ending May 31, 1873 over the preceding year, was $14\frac{13}{100}$ per cent., while the average rate per ton for 1872 was \$3.00 against an average rate for 1873 of \$2.91. The average rate per ton per mile for 1872 was $2\frac{61}{100}$ cents, against an average rate for 1873 of $2\frac{36}{100}$ cents—showing a decreased rate for 1873 of nearly 10 per cent. from the rate of the previous year.

The General Manager says in his report: "Had we transported freight at the same rate per mile per ton, (as the previous year) our freight earnings would have shown a further increase of \$857,980.32." This is upon the presumption that the road would have carried the same amount of freight at the higher rate.

The General Manager further says in the same report: "The experience of this company for a term of years shows, that the general and inevitable tendency of its operations is to lower rates of compensation for all classes of service, and that the receipts of the company are to be sustained or increased only by swelling the volume of traffic and multiplying the sources of business." [See Annual Report for year ending May 31, 1873, p. 32.]

According to the report of the Chicago and Northwestern Company on file in the office of the Secretary of State, the company carried passengers ten years ago at an average rate of 3 cents per passenger per mile. This was during the year ending December 31, 1864.

TAXATION AND GROSS EARNINGS.

It is not one of the prerogatives of this board to determine either the method of railway taxation, or the extent of that taxation, ex-

cept so far as the amount of tax is affected by the returns of gross receipts under existing law. Charges have been made to the effect that the actual receipts in some cases do not correspond with the returns made to the state in other respects than those already named. The commissioners prefer to give further time to the examination of all the facts involved, before giving countenance to suspicions of so grave a character. The form of reports and methods of investigation contemplated by the commissioners will undoubtedly prove a sufficient security in the future against any real or imaginary evil in this particular.

In direct connection with this question, the propriety of taxing the receipts of colored lines, organized without the state, but receiving their earnings from business within the state, merits serious consideration. A kindred question is that of taxing the receipts in this state from sleeping cars owned without the state.

NET EARNINGS.

For reasons already explained, it has not been possible to ascertain the net earnings of the several railway companies for the year ending December 31, 1874.

The net earnings for the year ending December 31, 1873, are shown in the following table:

CORPORATIONS.	Total Receipts.	Total Specified Operating Ex- penses.	Net Earnings.
Chicago and Northwestern.....	\$13,816,464 59	\$9,033,536 90	\$4,782,927 60
Northwestern Union.....	68,844 27	29,856 57	38,487 70
La Crosse, Trempealeau and Pres	159,616 19	66,653 76	92,962 43
Milwaukee and St. Paul.....	9,046,123 57	4,172,513 58	4,873,609 99
Madison and Portage.....	30,516 65	11,508 06	19,008 59
Western Union.....	1,137,634 23	526,414 26	611,219 97
Wisconsin Central.....	182,458 63	106,585 25	75,873 38
Milwaukee and Northern.....	264,395 10	74,256 78	190,138 32
Green Bay and Minnesota.....	155,252 75	230,714 00	.....
West Wisconsin.....	788,619 73	353,547 21	428,072 52
Milwaukee, Lake Shore and West	90,270 30	52,292 95	37,977 35
Mineral Point.....	128,121 33	86,302 03	41,819 30
Prairie du Chien and McGregor.	17,700 09	.....	.....
Sheboygan and Fond du Lac....	135,777 28	98,866 24	36,911 04
St. Croix and Lake Superior.....	.....	.....	.....
Superior and St. Croix.....	.....	.....	.....
Wisconsin Valley.....	24,900 88	15,195 32	9,705 56

It may be safely assumed in advance of the official returns that

the net earnings for 1874 will show a relative falling off. But this has been true of the whole country; the short crops, and the general stringency of the times having borne heavily upon the transportation interest.

On the other hand, the reports hitherto made by the principal companies, warrant the expectation that the full returns for the year 1874, will show an absolute increase upon the net receipts of the year 1873, and this, notwithstanding the operation of the law during the quarter just ended, the effect of which has been to cause some reduction.

The Chicago, Milwaukee and St. Paul Company report a total loss of \$120,040.82, entailed by enforcement of the law during the last quarter of the year—\$66,726.27 in the freight department of their business, and \$53,313.82 in the passenger department.

The Chicago and Northwestern report a loss from the same cause, during the months of October and November, of 24 per cent. on their passenger business, and 26 per cent. on freight.

That any of the roads, in times of so great depression, and under the working of a law claimed to be ruinous, should have increased the amount of their net earnings is an encouraging fact, indicating, as it does, the steady industrial progress of the state.

Your commissioners are not yet completely furnished with the requisite data for determining whether the maximum rates fixed by the law, are or are not in some cases lower than the companies can adopt with a reasonable expectation of earning under them a fair profit on the legitimate cost of their roads. On the one hand, we are not prepared to allow that the rates are ruinous, as is claimed by the railway companies, which have not hardly made, as yet, a full and fair trial of them; and on the other hand it is undeniable that those rates are considerably lower than are at present charged by a great majority of the railroads of the country, as plainly appears from the comparative statements to be found on pages 265, 270 of this report, in which the tariff charges made by a number of leading roads, west and east, taken at random, are placed side by side with the "Potter Law" rates.

The question will naturally arise upon making the comparison, why the other roads quoted may not bring their rates down to a level with those of the Atlantic and Great Western and the Baltimore and Ohio roads. Possibly an examination into the condition of the Atlantic and Great Western Co., whose rates are even a

little below those of the Potter Law, would afford a sufficient answer to this inquiry. But up to this time we have no knowledge of any sufficient reason for the very remarkable differences in the charges of the several railways cited.

RAILROAD AID.

Assuming that a recognition of the aid given to railroad companies of the state properly belongs to a consideration of the general question of cost, the commissioners commenced investigations at an early day, with a view to determine, if possible,—

- (1) The amount of lands donated by Congress, and actually received by various companies to aid in the construction of railways;
- (2) The amount of bonds executed for the same purpose by counties, towns and municipalities; and
- (3) The amount of aid rendered in the form of farm-mortgages.

To this end, inquiries were addressed to the Commissioner of the General Land Office, to railway companies, to clerks of all county and town boards of supervisors, and all registers of deeds in counties traversed by railways, and supposed to have given aid to railroad construction in any form.

Owing to the difficulties inseparable from such an undertaking, including the shortness of time for the work, and the want of funds for such use, these efforts have not been wholly successful. The facts obtained will be found under the head of "Statement of Land Grants in aid of Wisconsin Roads," (pages 227-241), and in tabulated form, on page 242.

It is sufficient, in this connection, to say, in general terms

(1) That so far as is already learned, the total amount of aid realized from congressional land grants, is 3,343,458 acres; estimated value, at \$3 per acre, \$10,030,074;

(2) That we have found record of \$6,910,652 in county, town and municipal bonds, paid or held for collection, and representing 36 counties and 71 towns and cities;

(3) That we have found record of 3,785 farm mortgages, distributed among 27 counties, and aggregating, in amount, \$4,079,433;

Thus making a grand total—the correctness of our valuation of the lands being granted—of \$21,227,160.

Assigned to the roads to which they severally belong, the amounts are as follows:

COMPANIES.	Amount in Lands, at \$3 per Acre.	Amount in County and Municipal Bonds.	Amount in Farm Mort- gages.
West Wisconsin, formerly La Crosse and Milwaukee and Tomah and St. Croix Railways.....	\$2,400,000	\$49,250	.....
St. Croix and Lake Superior and branch to Bayfield	8,580,374	356,000	.....
Chicago and Northwestern.....	1,800,000	*529,567	.....
Wisconsin Central.....	2,250,000	5,500,000	\$83,055
Other companies .....	.....	5,422,835	8,996,378
	\$10,030,374	\$6,910,652	\$4,079,433

* Estimated.

SEPARATE COST AND EARNINGS OF WISCONSIN LINES.

Among the duties imposed upon the commissioners, is that of separating cost, receipts, earnings and debt of roads lying partly in and partly out of this state, in such a manner as to determine the proportion in each case belonging to Wisconsin. The commissioners have partially complied with this injunction of the law. But a full and accurate determination of the facts requires further inquiry. The difficulties pertaining to such an investigation will be more apparent, when we remind you of the almost inseparable relations existing between the various parts of our principal lines. The property and business of the Chicago and Northwestern Railway extends to five states and one territory. One portion of its road was constructed by the company; another portion was constructed by agents or representative companies in the interest of the general organization; another portion was acquired by purchase or consolidation, while another portion is operated under lease or other special contract, temporary or permanent. The debt contracted in the construction and acquisition of these various lines is sometimes general and sometimes local, while the receipts and expenditures are so necessarily divided and apportioned as to render the discovery of their source and cause in most cases problematical, if not impossible. The difficulties intimated are much enhanced by the fact that no state lines are usually recognized on the books of the company.

Unfortunately, moreover, the reports heretofore required from railroad companies under state authority, have been of the most imperfect and unsatisfactory character. The form prescribed is not only deficient in detail, but indefinite in arrangement and purpose.

STATE LINES AND THEIR EXTRA-STATE CONNECTIONS.

It is clear to us that no satisfactory solution of the question of railway obligations to the public can be attained without a more intelligible basis of estimate than has hitherto been ascertained, of the exact relations of these companies to those portions of their lines lying without the state. Most of the charges relating to irregular management and expenditure refer to these collateral lines and to the contracts under which they were acquired. The statistics we have presented hereinafter will sufficiently illustrate the results, at least, of some of these complications. They show that roads are often purchased or constructed outside the state which bear no just proportion of the general burden of expenditure, and which, for all present time, certainly, must serve simply to consume the receipts from more profitable, if not actually less costly portions of the line. Indirectly, but nevertheless actually, the extra burdens thus imposed upon the older and more remunerative portions of the road, become a tax upon our own people.

It is true, that extensions of our railway system, by means of legitimate purchase or other expenditure, are most ardently to be desired. Ultimately, at the worst, such extensions are undoubtedly to become a source of profit to the general company which promotes them, and also a means of facilitating personal communication and commercial exchanges. How far these extensions should be promoted at the cost of home lines, is a question of policy, deserving serious consideration. Certainly, no merely speculative expenditure in this direction should be recognized as a proper charge upon our domestic interests; but it is equally clear that the promotion of the general interest, by every legitimate enlargement of our railway system, and an extension of the sources of profit for home lines, is not to be captiously discouraged.

STATISTICAL SUMMARY.

The reports of Wisconsin railway companies for the year ending December 31, 1873, show the following totals:

Miles operated in and out the state	4,686.78
Miles operated in the state	2,360.18
Capital stock paid, total lines.....	\$76,689,117 82
Debt	84,449,517 86
Cost of roads and equipments	156,862,288 39
Gross earnings.....	26,030,195 60
Gross earnings in Wisconsin	11,408,579 42
Gross expenditures, total lines.....	32,737,024 76

INTER-STATE CONFERENCES OF COMMISSIONERS—RESULTS.

With the purpose of facilitating a more complete investigation of the inter-state relations of our railway system in future, and of promoting uniformity in classification and legislation, in August last, the Wisconsin commissioners accepted an invitation to meet the commissioners of Illinois and Minnesota, at Dubuque. A second meeting was held at Madison in September, and a third is appointed to be held at Springfield. The practical utility of this method of informal co-operation cannot be over-estimated.

AMENDED FORM OF RAILWAY REPORTS.

Among the fruits of the consultations held, is the adoption of a form of railway report, substantially uniform as to time and character for the several states represented. This form is embraced in the Appendix of this report, and will be found to require from the railroad companies a methodical statement of every material fact of public concern bearing either upon the local or general affairs of the railway corporations. Substantially this form is already in force in the states of Illinois and Minnesota, and public action the ensuing year will be largely determined by the information thus ascertained.

It is earnestly recommended that the modification of the annual reports of companies we have suggested, especially as to the matter of date, be hereafter enforced by law. It should be understood, however, that the adoption of the form and date of annual report to the commissioners as stated, has no reference to the date or form of annual report of gross receipts to the State Treasurer, upon which last mentioned report is predicated the annual charge for licenses.

UNIFORMITY IN CLASSIFICATION AND LEGISLATION.

The efforts made by the Commissioners for promoting uniformity in the classification of freights, and also in general railway legisla-

tion in the several states named, have not yet assumed a form sufficiently definite to justify us in reporting to you special conclusions. We are impressed with the conviction, however, that the intelligent prosecution of this purpose is fraught with consequences of great practical importance, both to the public and to railway management.

CHARACTER AND PRESENT CONDITION OF THE RAILROADS.

The law under which the commissioners act does not impose upon them the duty of making an inspection of the railroads of the state. Nevertheless an actual knowledge of the character and condition of the roads was deemed so manifestly important that the several members of the board availed themselves of such opportunities as could be had for examining them; and one of their number passed one or more times over each and all of the roads in Wisconsin, noting all such facts as were deemed most essential.

It is natural, if not almost necessary, that railways built in a new state and through districts but sparsely settled should be both less perfectly constructed and less completely equipped than in the older states. The amount of business that can be done for many years, under such conditions does not warrant the building of very expensive roads, or the supply of elegant station-houses and costly equipments.

There is a minimum cost, however, below which it is never economy to go, under even the most unfavorable conditions as to traffic and travel. The safety of passengers and a reasonable security of the property carried, as well as of the rolling stock of the company, are considerations that cannot be ignored on any account.

And to guarantee these, requires the most careful and conscientious attention to many matters—requires that the road-bed be broad, firm and substantial, the culverts and bridges well built of good material, the rail of good quality and properly laid. These are some of the essential characteristics. Without them no road should ever be opened for public use.

There are still other characteristics, which, even more than those above named, determine the cost of transportation. These will be found discussed in another connection.

Just here, however, it is proper to say that the roads of Wisconsin bear a fair comparison with the other roads of this country. They were much more cheaply graded than many of those located

in the eastern and such other states as have a rougher surface, but less cheaply than those of Illinois and some of the other western states. With but few exceptions the gradients are easy and the curvatures all that could be desired.

If in many cases the culverts and bridges are less enduring than is desirable, and trestle-work has been too often substituted for embankments, it is doubtless because they were built only for temporary use and are to be replaced by stones, iron and earth as soon as the financial condition of the companies will warrant.

The same may be said of the rail used. In some cases the necessities of companies have led them to lay down iron of a very poor quality, and lighter than was really economical. And the result has been numerous accidents, and sometimes serious losses that might have been avoided had the importance of good iron and sufficient weight been duly appreciated. Sometimes it may be economical to lay rail below the ordinary weight,—as has been done on some of the recently constructed roads in this state,—especially where the abundance of timber admits of using an extra number of ties; but it is difficult to suggest circumstances that warrant the use of a quality of iron against the breaking of which no certain provision can possibly be made.

The commissioners have been reminded of this principle in their travels over some sections of road forced through under a financial pinch. Where the traffic is light, as it must be for a time, along the line of the new roads, 50-pound iron will possibly answer the purpose, if of good quality and well tied. But where the business is heavy at any season of the year, 60-pound iron is light enough for either safety or economy. Care in laying rail appears not to have been more justly appreciated here than elsewhere as an essential of good construction and economical working. It is not uncommon to see the end of a rail battered down while the body of it is still almost as good as new. This is owing sometimes to a lack of uniform firmness in the material of the road-bed. But it is oftener the result of neglect—first, to make a smooth-surfaced bed; secondly, a total or partial neglect to ballast; and thirdly, neglect to make the connection carefully and keep the ends firmly in juxtaposition with fish-bar fastening. It seems not to be fully realized that in addition to the depreciation of rail, and the increased liability to accidents consequent upon such neglect, there is a constant and very considerable damage to engines and rolling stock generally

that necessitates very large expenditures in the repair shops,—that for every dollar saved by cheap and careless construction, a loss of tens and hundreds is likely to be entailed.

These remarks apply equally to Wisconsin roads and to those of the other states; all are alike obnoxious to criticism.

It may be supposed that, when all our roads are laid with steel, which will be the case at no distant day, all these matters will claim more nearly their due share of attention. Meantime, they are all the more essential.

The mileage of our roads already laid with steel rail is as follows:

COMPANIES AND LINES.	Miles.	lbs. wt.
Chicago, Milwaukee and St. Paul R. R., Mil. & La Crosse Line	76.5	59
Chicago, Milwaukee and St. Paul R. R., Mil. & P. du C. Line	11.0	59
Chicago, Milwaukee and St. Paul R. R., Mil. & Chicago Line	110.0	59
Chicago and Northwestern	65.5	60
Wisconsin Central (mileage not given).....	.....	.....
Oshkosh and Mississippi (mileage not given) .....	.....	.....
Chippewa Falls and Western.....	11.0	60
Total mileage reported	298.0	.....

Of the quality of road equipments we are able to speak in more favorable terms. On some of the roads—the Chicago and Northwestern and the Milwaukee and Chicago Division of the Chicago, Milwaukee and St. Paul, more especially—they are equal to the best to be found anywhere in the country. Indeed, it may be a question whether some of our best coaches for passengers and railway officers are not more elegant and expensive than they ought to be. Nothing essential to comfort should be spared; but that thousands of dollars may be properly expended in mere decoration, thus making a railway coach cost the price of a handsome residence, while at the same time lives are endangered for want of repairs to track, is hardly a matter of question; it is pretty clearly wrong. Would it not be better to curtail a little on garniture and add something to the neatness and comfort of station-houses, very many of which, like the Union Depot at Milwaukee, are mere shells or overgrown shanties, neither gratifying the taste nor providing even the bare comforts for the traveling public.

ROADS RECENTLY CONSTRUCTED.

The new roads have been examined with much interest and considerable satisfaction. The Wisconsin Central, Green Bay and Minnesota, Lake Shore and Western, Northwestern Union, West Wisconsin, Wisconsin Valley and North Wisconsin, though among the cheapest that have been built, are among the best in construction. As a general thing, they are ironed with rail of light weight, but in respect of road-bed, tying, bridging, etc., they are quite equal to the best of new western roads.

Financially speaking, they are all of them constructions in advance of the paying point. Probably few of them now pay their expenses out of their earnings, and still have enough to pay the interest on their indebtedness, saying nothing of dividends on stock. On the other hand, it cannot be urged that they were built out of time. They were a necessity to the sections of state accommodated by them, and are also an advantage to the whole state; some of them opening new channels of traffic for competing companies, and others penetrating entirely new portions of the state, thus ensuring their early settlement, and making their extensive resources available for the more rapid advancement of the whole commonwealth.

CONSTRUCTION DURING 1874.

Notwithstanding the stringency of the times, and the extraordinary depression felt by the railroad interest, the past year has made record of the following new constructions in Wisconsin:

	Miles.
Wisconsin Valley extension to Wausau.....	30
North Wisconsin extension.....	26
Chippewa Valley Railway between Eau Claire and Chippewa Falls.	11
Galena and Southern Wisconsin, State Line to Platteville.....	20
Total miles new road.....	<u>97</u>

The Wisconsin Valley extension was completed and opened in December. Besides giving the people of Marathon county an outlet long needed, it has given the company a very important advantage by securing to it a large lumber traffic over the whole of its line, and become the channel of a considerable business in the way of shipping goods and supplies of various kinds to the lumbering region tributary to Wausau. The road is built in a creditable manner, and appears to be managed with efficiency and economy.

The North Wisconsin has been vigorously pushed through, in fulfilment of the conditions imposed by the last legislature, and now has its northern terminus in section 7, town 33, range 14 west. From New Richmond north, it lies for the greater part of the distance in a timbered region; the terminus itself in a quite dense primeval forest of hard wood, mixed with pine.

It is of course impossible that this road should earn enough for some time to pay the expenses of operating it. But the valuable lands through which the line is projected, will insure its early extension by sections of twenty miles, and its completion through to Bayfield at no very remote day.

The road bears evidence of having been honestly built. The engineering was well done, in the first place, and the road-bed is one of the best in the state. Like the Wisconsin Valley, it is ironed with rail of 50-pound weight.

It is the declared policy of the company to offer their lands at low prices and on terms that will, as far as possible, lead to their purchase by actual settlers who will develop the country along the line of the road.

The Chippewa Falls and Western Railroad Company completed the section of their road, connecting Eau Claire with Chippewa Falls, on the last day of December; the first through train running over it on the 1st day of January, 1875. It gives railroad communication with the rest of the world to one of the most enterprising manufacturing towns in the state, and must prove a great advantage to a large area of country around and beyond Chippewa Falls. The stock was taken by the people on the line, and the road was built at a cost of a little over \$16,000 per mile, unequipped.

The Galena and Southern Wisconsin Railroad is building under an old charter, and on the 1st day of this month (January), was opened through to Platteville. It is the first narrow-gauge road built in Wisconsin. Length of whole line, about thirty miles; length in Wisconsin, twenty miles. Capital stock, \$650,000. Cost of road equipped, about \$14,000 per mile. Amount of mortgage bonds, \$10,000 per mile, or \$300,000. The cost of building was considerably enhanced by the tightness of the money market, which made it necessary to sell the securities at a heavy discount.

The Prairie du Chien and McGregor Railroad Transfer Company deserve mention in this connection as having, during the year, completed what is considered the most remarkable and successful pon-

toon railway bridge now in use in this or any country. There is no other pontoon in the world that opens so wide a passage or that is so completely under command. The expense of operating it, in the event of boats or rafts requiring to pass, is but slight, and the economy of its use, as compared with the former means of transfer, is as one dollar to five dollars per car transferred.

An interesting communication on the subject of this bridge, from Gen. John Lawler, patentee and builder, will be found on pages 37 and 38.

RAILROADS IN CONSTRUCTION.

Of railroads in actual construction, no portion of which is yet opened for use, there are two—the Chicago and Tomah Railroad, and the

The Chicago and Tomah Road is now in progress in the valley of the Kickapoo. Work commenced at or near Wauzeka, on the Wisconsin river, in Crawford county. The objective point is Tomah.

Thirty and a half miles are now under construction; the funds being wholly furnished along the line. It is the purpose of the company to lay *maple* rail at first, leaving the purchase of iron until the increase of traffic renders it necessary. [See pages 35–36.]

PAPERS AND DOCUMENTS ACCOMPANYING THIS REPORT.

Assuming this to be but the beginning of an investigation of the whole subject of railway transportation, and hence realizing the importance to the legislature and the public of all the data that can be furnished in aid of just conclusions, the commissioners have spared no pains either in collecting facts for their own use, or in collating and preparing for publication such of them as will need to be accessible in the future.

OFFICIAL PAPERS OF THE COMMISSION.

Under this head are published a number of the circulars, blanks and written inquiries sent out during the season, with the answers thereto; also, a few of the complaints made of violations of chapter 273 of the laws of 1874, since the injunction granted to the state by the Supreme Court took effect, and was publicly and officially acquiesced in by the companies who were parties to that suit, together with portions of the correspondence relating thereto. This division of the report likewise contains the form of a report

such as the Railroad Commissioners of Illinois, Minnesota and Wisconsin have agreed in conference should be made by the railroad companies in each of these three states.

GENERAL STATISTICS.

For their own convenience, as well as for the information of the public, they have prepared for publication, in addition to the statistics of cost, earnings and indebtedness of railway companies, a number of statements and tables of general interest—such as comparative statistics of the mileage and cost of the United States and all other countries; statistics of congressional, municipal and farm-mortgage aid granted in aid of railroad construction in Wisconsin; tables illustrating the bearing of the present law upon the cost of transportation on our railways, and comparative showings of “Potter Law” rates, and the rates on other railroads of the country, east and west. Had time and space permitted, many other statistics of much interest and value would have been added.

DIGEST OF RAILWAY LAWS, REVISION AND CODIFICATION.

Owing to the great number of the laws relating to railroads which have been enacted by the territorial and state legislatures, the frequent occasion for reference thereto, and the labor involved in making searches for them in more than a score of volumes, the commissioners have added to their necessary labors the very considerable one of abstracting or digesting and arranging in chronological order, under head of the railways concerned, the numerous laws creating railway corporations and defining their powers.

In performing this task, some laws have been found which should be repealed. A repeal of all acts of incorporation not presently accepted and in force, and a revision and codification of the remainder, during the ensuing year, would tend to simplify and equalize legislation, and is respectfully recommended.

Your attention is called particularly to the provisions of chapter 48, laws of 1871. In effect, this chapter authorizes subscriptions of stock by towns and cities, at the ultimate cost of the state. It is not possible to presume that the present legislature desires to perpetuate this method of depreciating the receipts of the state treasury.

THE APPENDIX TO THE REPORT.

In order that there might be preserved a history of the import-

ant proceedings of the state authorities for the enforcement of the provisions of chapter 273, the commissioners have published in their proper order each of the several official documents issued in pursuance of such action, including the official letters of Presidents Mitchell and Keep, the proclamation and address of the Governor, the opinion of the Attorney General, and the decisions made by the State and United States courts. And to these we have added copies of the decrees of the United States courts, confirming sales of railroads under foreclosure, and of all such articles of association, and of acts of consolidation, agreements, etc. of railway companies as were found recorded and on file in the office of Secretary of State, or as could be obtained from other sources; not doubting that such compilation of important documents elsewhere inaccessible to the public, would promote the convenience of all state officials and private citizens interested in the engrossing subject of railway transportation and railway management.

ACKNOWLEDGEMENTS.

Before concluding this portion of their report, your commissioners feel it their duty, as it is also their pleasure, to make acknowledgment of the prompt and cordial manner in which the honorable, the Attorney General, has responded to their demands for legal advice; of the uniform courtesy they have received from all railway officials with whom they have had relations in the discharge of their duties, some of whom have cheerfully undertaken expensive labors at the request of the board; and finally of the laborious and faithful service rendered them by the Hon. Horace A. Tenney, secretary to the commission.

PART II.

GENERAL INVESTIGATIONS.

In view of the great importance of an early and judicious settlement of the grave questions that divide the railroad corporations and the public, your commissioners have deemed it proper, in addition to the other duties they have endeavored to perform, to institute as thorough an investigation as their time and opportunities

would permit of the general subject of railroad management and control of railway corporations, and to make a faithful report of the results of such labors.

NATURE OF THE CONTROVERSY.

Transportation is a matter that touches, in some important way, every branch of industry and every interest of society. No community is unaffected by the cost of transportation, because none either produces all it consumes, or consumes all it produces. The same is true of each individual member of society. Hence commerce is as old as civilization, and has of necessity been as unrelenting as the forces of nature; plying at first upon inland seas, along the ocean shores, and upon the navigable rivers, which by a wise provision of nature open highways into the interior of continents; later still upon the oceans themselves, and last of all building for itself artificial highways over vast regions otherwise practically inaccessible.

At the beginning, these highways were canals and wagon-roads. But the former, besides being too costly for such multiplication as would accommodate all sections of country, were scarcely available for travel, and hence practically left the inhabitants of interior portions comparatively isolated, and to a great extent denied the benefits of that spirit of progress which comes of commercial activity and frequency of intercourse with other communities and nations. Thus it was that highways upon land, equal in capacity to the transportation of vast quantities of raw material and the products of manufacturing industry became a necessity. Railways are the result of this imperative demand. And the amazing rapidity with which they have multiplied, extended, and ramified over vast regions on all the continents, becoming thus the open paths of a new civilization, is the distinguishing feature of the industrial progress of this marvelous age.

It is manifest that this rapid growth of railway enterprise could not have been made without the united effort of capitalists and the expenditure of vast sums of money.

Again, it is natural that capitalists, who are few and powerful, whose chief aim it is to increase their wealth, and who, by reason of the very nature of their undertakings, must possess those other elements of strength, organization and singleness of purpose, should

use these advantages for the promotion of selfish, rather than public ends.

On the other hand, it is no less apparent that the great public to be served by railways, feeling the necessity of better facilities for transportation, were at first ready to make almost any concession to secure them; trusting to the self-interest of railway companies, and to the natural laws that control a free commerce, for protection against extortionate tolls. Nor is it strange that, under these circumstances, they have, in many instances, been ready to unite their smaller resources with the larger ones of the capitalists, and even make great sacrifices to secure the construction of roads that seemed otherwise impossible or in danger of indefinite postponement; or that, notwithstanding the ill success of such trials of natural-law security, yet other communities have been willing to make repetition of these experiments. And yet the futility of a reliance on such means of security is now apparent.

SELF-INTEREST AS A RELIANCE.

To a considerable extent, the interests of the railroad corporations and the public are in harmony—very much more really so than the corporations appear to believe, if we may judge from the policy they so often pursue. Thus, it is clearly for the real interest of the corporations to build good and safe roads, and upon lines that will accommodate the largest number of people and the greatest amount of traffic; and yet, practically, they not unfrequently disregard both these elements of success, and are found building very poor roads, at full cost to the stockholders, and on lines which accommodate the public less than they should. It is for their real interest to encourage the agricultural industry of a country tributary to their roads, by affording cheap facilities for the transportation of the products it may be made to yield under the stimulus of prospective rewards for the requisite labor; and yet, in some cases, they adopt tariffs which practically prevent production. It is for the real interest of railroad companies to encourage the building up of flourishing manufacturing villages along their lines by supplying the raw material and carrying away the products of their industry at as low a rate as possible; but how often do they pursue a course actually prohibitive of such new enterprises, and deadening to those that already exist! It is sometimes for their real interest to develop new commercial points, which, by their

better facilities and their quickening influence upon both productive industry and commerce, would create a traffic where none would otherwise exist; but, are they always ready to do this, even where it could be done with immediate as well as great future advantage? And if not, why not?

First, because the wisdom and foresight that should eminently characterize the management of railways are often wanting to the managers.

Secondly, because the managers are not unfrequently in their places for the sole purpose of promoting their own personal ends.

But, again, there are cases in which the interests of railway corporations and the public are opposed. For example, it is the interest of the companies to prevent the building of competing roads; to hamper and embarrass rival lines already established; to force such traffic as they are able to command over as much of their own lines respectively as possible, though it be at the expense of time and other advantage on the part of the shipper.

For all these reasons, and others that might be named, the insufficiency of self-interest on the part of companies, as a protection to the public, has been long recognized.

COMPETITION AN UNCERTAIN RELIANCE.

Competition is so invariably applicable as a restraint in all sorts of trades, professions, and ordinary commercial enterprises, that it is not surprising how long it has misled the public and legislative bodies. It always serves as a protection where it is full and permanently maintained, as well in matters of transportation as in the case of the trades and most individual enterprises. But therein lies the difficulty: Competition implies freedom of the operator, both as to material and forces. In case of the ordinary avocations, this freedom is practically quite complete; the materials and the labor to be used can be had in the open market, and fair purchase is protected by the active interest of those who have them to sell.

To some extent, this is also true in matters of transportation. For example, there is entire freedom for all upon the high seas, and upon great inland waters, where the laws of nations or the treaties of nations, and the universal sentiment of civilized peoples defend the rights of all alike. These are nature's highways which neither capitalist nor potentate can shut up for his own exclusive use. Wherever they exist they insure a fair rate of transportation upon

the water; first, because any one able to build a vessel can compete for a share of the carriage; secondly, because of the facility with which vessels can be moved from an over-crowded and non-paying locality or traffic to a better, and thus enable the trader to employ his capital all the year round.

The same is true, to a less extent, of navigable rivers; while the current flows, they are open to the enterprise of one citizen as well as another.

Where any one of these means of transportation exists, there is not only good security against extortionate charges on such highway, but there is also greater security against such charges on railways; inasmuch as, by a law of commerce, the price at which any necessity can be supplied to a great market by one line of transportation sets a practical limit to the rate of transportation by another line.

So far as this influence relates to rivers, it is limited by this circumstance: that, in cold climates like our own, it is only operative for a part of the season. While in the case of canals, there are still other circumstances limiting it, namely, the fact that they are generally so limited in extent as to be only very local, as well as temporary, in their influence; and the other fact that, being artificial highways, they are property, and hence liable to fall into the very hands they were designed to restrain.

We may consider it, therefore, a decision of reason as well as experience, that while competition upon ocean or inland sea is both potent and permanent as to its own field of operations, and is also potent as against railway transportation wherever it can be brought to bear; and while competition by river and canal are also to a considerable extent available, they are none of them sufficient to afford the requisite security.

Still less reliable is competition between railway companies. Here the natural law is not certainly operative. There is neither freedom of means nor of forces. A road once built cannot be placed in any market the company pleases and compete for freight, as the manufacturer can compete for his raw material, or the merchant vessel for a cargo. It can only offer its facilities and bide its time. Should no rival spring up to contest the field, it can command the produce of the section of country tributary to it, on its own terms, so that it leaves barely margin of profit enough to the producer and dealer to induce production and delivery. And if,

bye ~~and~~ bye, a rival line should be established, and the traffic should be less than equal to the carrying capacity of both, the two are almost sure, after fruitless efforts to drive each other from the field, to form a combination, agreeing either to demand equal rates agreed upon, or to "pool" their earnings.

This point having been reached, the public have no ground of hope except in the possibility of a falling out of the companies and renewal of the competition which gave origin to the compact. For the companies themselves, there seems, in most cases, to be no safety but in a still closer union, under an act of consolidation from which there is no breaking away.

The controversy, then, is irrepressible, if the reliance is upon economical laws alone; being a conflict between the necessities of society, on the one hand, and the natural selfishness of strong monopolies on the other.

OTHER DIFFICULTIES.—EVILS OF RAILWAY CONSTRUCTION AND MANAGEMENT.

To make the matter worse, the roads are often so constructed, and railway transportation so managed, as to almost compel heavy exactions on the part of the railway companies, and lead to dissatisfaction and condemnation on the part of the public.

INDIVIDUAL INTEREST, WITH NO HARMONIZING GENERAL CONTROL.

An overshadowing evil, attendant upon railway construction and operation, is the fact that all railway enterprise is the result of individual interest and purpose, subject to no harmonizing general control. The consequences are comparative disorder, the misapplication or actual waste of much energy and capital, and a want of economical accord in the practical administration of railway affairs. The public confidence in competition as a protection from exorbitant charges, has not only proved delusive, but has also furnished occasion for the payment of increased interest upon an increased capital. In some portions of our state, and, in one notable instance, between one city of our state and one city of another state, we find two roads running where one would equally suffice, and the public charged with the obligation of paying interest upon the capital of both. To avoid inconvenience and losses consequent upon discordant management, the companies themselves are impell-

ed to consolidation by a constant law of self-interest which the public have regarded with hostility and distrust. The result must and should be an appreciation of the fact that the true interest of the public, as well as of the corporations, lies in the direction of better organized and less discordant expenditure of energy and capital, and in the adoption of more comprehensive principles of legislation to that end. The facts ought to be realized not only that discriminations by exorbitant charges upon one locality at the expense of another, is an evil to be discouraged, but also that legislation discouraging investment by encouraging ruinous competition is equally to be deplored.

UNDUE COST OF CONSTRUCTION.

Prominent among these evils is the primary one of unwarrantable cost. A road having been built as economically as possible, no one can reasonably make complaint of charges that yield only a moderate per cent. of profit on the investment. Indeed, the public are willing that they who put their money into railways should have a very liberal profit; since, while such use of money is of great importance to the public—is indispensable to the growth and prosperity of a country—it is attended with more risk than is the investment of money in many other ways. But if a road has cost thousands of dollars per mile more than it ought, owing to want of skill and judgment on the part of the company, or if there is reason to believe that the assumed cost is not the real cost—the difference having gone into the hands of officers or their friends acting in the capacity of contractors or “promoters”—then it is natural that there should be an unwillingness to allow even a moderate per cent. on the declared cost.

Unfortunately, these mere hints of dishonest management find warrant in actual facts in all countries.

The impression widely prevails, that the railway companies of the United States have pre-eminently distinguished themselves in the practice of such frauds. Upon the justice of this sweeping charge the comparative statistics, showing the mileage and cost of the railways of the world (see page 229) will throw at least a shadow of doubt.

Still, it is no complete acquittal of the railway companies of this country to show that their roads have cost far less than the roads of another country; since the conditions of road-building are never

the same in the different cases. To point out that the roads of England, *e. g.*, cost three-and-a-half times as much as the average for the United States, and five-and-a-half times as much as the average cost in this state, would prove nothing certainly, for there is, in this case very great difference in the necessary cost of construction.

English railway engineers commenced their works in a most expensive way; and they have not even yet learned the art of cheap building as it is everywhere understood in this country. They do not now build roads, as at first, wholly of iron and stone, with granite sills and cross-ties firmly established upon macadamized road-beds, deep enough to be secure from the action of frost, for the reason, that they were altogether too costly even for English capitalists, and yet not so good for use as those built of a more elastic material. They do, nevertheless, even now build much more substantially than we do—with double track of the heaviest iron and steel; with broad road-beds of the best material; with stable bridges of iron and stone; with expensive crossings above or below the track. They equip them, moreover, with the best engines and rolling stock that can be built, and they supply their more numerous stations with permanent, and often elegant depots, freight and passenger houses affording ample facilities for every department of the business, and every needed comfort for travelers. And there, also, the right of way requires an enormous expenditure—sometimes more than it costs to construct and equip one of our roads.

There is still another reason why such comparisons are not alone conclusive, namely, that the English roads may also have cost more than was legitimate, as they probably did. It is only when one fairly considers all the conditions and circumstances of construction in any two or more cases compared, that a fair conclusion can be reached. If the circumstances are very nearly the same with two roads, and one is found to have cost \$60,000 per mile and the other \$35,000, the inference is legitimate that one has been more economically, perhaps more honestly built, than the other. Or, again, if one built through an old and hilly country, where expensive right of way, deep cuttings, heavy stone work and costly bridging are inevitable, is reported to have cost \$30,000 per mile, while another, built over a level, open prairie, with neither cuts nor embankments, and little or nothing for right of way, has cost

\$45,000 per mile, the evidence of either ignorance, carelessness or fraud, or all three combined, is sufficient to throw a suspicion over a great number of other roads, whose cost is by such example made unaccountable on ordinary grounds.

CAUSES OF UNDUE COST OF CONSTRUCTION.

If we inquire into the causes of undue cost of railways, they will be found with but little difficulty. Prominent among them are the following:

1. *Slight pecuniary interest of managers.*

It has been the bane of many of our railroad enterprises in this as well as in other countries, that they have originated with, or early fallen into the hands of, reckless adventurers—men who put nothing in, and hence have had nothing at stake. They were skilled in the use of blandishments, and in giving a rosy tint to the future of their favorite enterprises. Building not for use, but as a speculation, it has made but comparatively little difference to them what burdens were saddled upon the public in the form of tolls and rates, or how soon the purchasers might fall into bankruptcy.

2. *Construction on credit.*

With nothing visible but a charter, an exaggerated map of the projected route, and a package of handsomely engraved bonds and stock certificates, the schemer sets out to negotiate a loan and push on the construction of his road, knowing that he will be out of the enterprise long ere the bonds will have to be paid, if not before the road is fully equipped for business. The amount of discount is a matter of but little consequence. Stock costs nothing but the price of paper and printing, and it is issued without stint to make the bonds go at even a ruinous price. Bye and bye, the road is built and sold for a handsome sum, the purchaser, of course, assuming the burden of debt, the amount of which may be twice what it would cost to build a better road with part cash.

It is not essential that every dollar necessary to build a road should be in bank before the work of construction begins; if it were, few roads in a region of country like ours, where there is but little spare capital, would be built. A reasonable amount of credit is legitimate, indeed often absolutely essential; but since the use of it adds greatly to the cost of building, it should in all cases be employed as sparingly as possible.

3. *Injudicious location of lines.*

This particular cause of undue cost will be best appreciated by skillful engineers, who cannot have failed to note how very often lines of railway are made to cost much more than was necessary by careless surveys. But one need not be more than an ordinary engineer, or even a professional engineer at all, to detect expensive blunders of this sort on every hand—blunders which not only occasion a large increase in the cost of construction, but also a permanent extra expense of working.

4. *Corrupt letting of contracts.*

Probably the system of construction by “rings” formed inside to operate outside, for the private gain of individual officers and their friends, is, of all causes of excessive cost, the most prolific. Of course there are many railway officers too honorable to resort to measures for private advantage which involve the robbery of stockholders and creditors; but such practices are nevertheless so common as to make it somewhat doubtful whether they do not constitute the rule rather than the exception. Sometimes they are carried on by directors and officers openly, but oftener, of course, under cover. We would not be understood as branding every construction company composed in whole, or in part, of officers and members of the company contracted with, as guilty of fraudulent dealing with stockholders. A construction company possesses some advantages for conducting the work of construction which a chartered railroad company does not possess—especially if many of the directors of the railway company are non-resident—and the undersigned have knowledge of some such who are believed to conduct the business of building in that way solely because of these advantages, and wholly in the interest of the stockholders who compose the railway company. They are forced to believe, however, that the number of those who thus manage is comparatively small.

It is impossible to estimate with any degree of accuracy the amount of the burden upon the industry of this country by fraudulent building contracts, but it is safely assumed to be enormous.

5. *Fraudulent purchase of lines.*

Kindred to the corrupt letting of contracts is the wrong of purchasing lines, in extension of lines already owned, at prices far

above their real value, the excess being divided secretly between the "ring" managers of the two companies. Transactions of this sort are usually managed with such adroitness that detection is difficult, if not impossible; but the cases are neither few nor far to seek in which the evidence is convincing, that the terms conceded by purchasers must be accounted for either on the ground of dishonesty or lack of judgment.

6. Misappropriation of land grants.

The American government is the only one that has adopted the policy of making donations of the public lands of the country to aid in the construction of internal improvements looking to the industrial progress of the nation.

In view of the newness of the country, the deficiency of cash capital for the construction of expensive works, and the extent and variety of its material resources, which must otherwise long remain undeveloped, this policy may have appeared at the time to be a wise one. Indeed it has promoted the industrial prosperity of the nation.

In the case of the trans-continental railways—the Union and the Central already in use, and the Northern and Southern now in construction—there was still another motive that influenced the government to bestow the immense grants they have received. The rebellion had taught us the danger of disintegration. The Atlantic and Pacific states were so removed that there was danger of an early political falling apart. There was need, therefore, that these great divisions of our common country be brought into closer relations. This was the argument.

Unhappily, experience has shown that there is another side to this question of government aid in the construction of railways—that land-grants, how much soever needed for the encouragement of improvements in the interest of industry and commerce, have by no means been an unmixed good—that, in view of the corruptions engendered, and the public demoralization they have produced, it is quite doubtful whether they have not been a curse rather than a benefit.

A full history of the land-grants to the several states would show a sad record of broken trusts and shameful frauds upon the public. We shall attempt nothing more than a brief reference to some of the grants made to this and neighboring states, by way of illustrating the misappropriations to which reference has been made.

In the act conferring lands upon the Illinois Central Railroad Company, the state of Illinois made an honorable exception to the general rule; requiring, as a condition of receiving the grant, that the company should annually pay into the public treasury seven per cent. of its gross earnings, a sum now amounting, we believe to something over three-quarters of a million of dollars. So far as we know, this act of a provident legislature stands conspicuous as being the only instance in which the interests of the public, in grants made to the states to aid in the construction of railways, have been carefully protected.

The lands granted to Iowa and Minnesota, as well as to Missouri, Kansas and Nebraska, have been given to the roads in those states without other condition than the construction of the roads within a given date.

The result has been, that the company managers have, in many cases, so planned the disposal of them as to promote their own personal, rather than public ends. In some instances, where it was possible to raise the funds for construction without making the lands the basis of securities, the roads have been built at a heavy sacrifice in the way of discounts—to be subsequently paid by the industry of the country—and the lands have been wholly or almost entirely appropriated to the private use of the builders.

So far as we have learned, the lands granted to Iowa have only in a small degree lessened to the public the cost of the roads in aid of whose construction they were given.

The people of Minnesota have hardly been more fortunate. That state received grants of land to aid in the construction of railroads, immediately connected with our own, amounting to some 8,465,500 acres, disposed of as follows:*

NAMES OF COMPANIES.	Number of Acres.
First Division St. Paul and Pacific—main.....	1,780,000
First Division St. Paul and Pacific—branch.....	448,000
St. Paul and Pacific—Brainard branch.....	252,000
St. Paul and Pacific—St. Vincent branch..	2,000,000
St. Paul and Sioux City.....	880,000
Sioux City and St. Paul.....	280,000
Milwaukee and St. Paul.....	170,500
Winona and St. Peter.....	1,500,000
Southern Minnesota.....	775,000
Lake Superior and Mississippi.....	960,000
Stillwater and St. Paul.....	76,800
St. Paul, Stillwater and Taylor Falls.....	44,800
Total	8,465,500

* Report of the Railroad Commissioner of Minnesota.

To this total might be added, properly enough, the 1,500,000 received by the Northern Pacific, directly from congress. In such case the total becomes 9,965,500 acres.

We do not find either that the state attempted to protect the rights of the people in reference to these lands, or that railroad companies upon whom they were conferred have so used them as to reduce the cost of the roads.

Let us see whether Wisconsin has been more faithful in the execution of her trust.

By the report of the Commissioner of the General Land Office for 1873, the total quantity of land which would be received from grants to aid railroads in Wisconsin was 3,412,358 $\frac{1}{10}$ acres. [See table, p. 242.]

The value placed by the United States upon the alternate even sections being \$2.50 per acre, that is the minimum given at which these lands can be estimated, but it is believed that the actual value of these lands should not be placed at less than double that sum, or a total of \$17,061,791.05, and that it will probably very much exceed this amount.

These grants of land were placed at the disposal of the state with a view to the reduction of the absolute cost of railroads to the people, and thus encourage their construction. Such being the case, it would seem that an essential condition on which the lands were donated would require the exercise of a supervisory care over the manner of their application on the part of the state, in order to certain that they were not diverted from the objects intended, and the interests of the people neglected.

By a singular oversight no such provision seems ever to have been adopted. The grants were handed over to the several companies on the simple condition that their respective roads should be constructed.

In the case of the grant of 600,000 acres received by the Chicago and Northwestern Railway Company to aid in the construction of that part of its road extending from Fond du Lac to the Michigan state line, taking the appraisal of that company itself for the first 240 sections (\$12 per acre), and estimating the value of the balance at only \$5 per acre, we have a valuation sufficient to yield almost \$35,000 per mile for the whole distance to which the grant applies. When we consider that this company applied for and received still further aid from municipal corporations on the line of the road, it

would seem as though at least the ordinary precaution of seeing that this munificent grant had not been needlessly mismanaged would have been taken by the state, especially as section 3 of the act making the grant contains the admonitory provision, "That the said lands hereby granted to said state shall be subject to the disposal of the legislature thereof, for the purposes aforesaid, and no other."

This subject is of special interest at this time in view of the judicial decision lately rendered in Illinois, in which it is laid down as a rule "that directors of railroad companies were not absolute in their powers; that they were but trustees to manage the estate of stockholders, and could no more abuse their trust, or waste and squander the property of the stockholders than could any trustee or executor, or other person charged with a fiduciary duty."

The lands are received by the state as a trust, and are confided to the company to carry it into operation. The state, therefore, is responsible to the people for the faithful application of the trust.

The state provides that while the lands are under its care, no part of the same shall be depredated upon, and that they shall be preserved intact for the purposes for which they were donated. It would seem still more necessary that the duty so assumed should be supplemented by a careful supervision of the same after the disposal of the grant, and until the final application of the proceeds therefrom is made, adequate security should be required for such faithful application. Indeed, in the spirit of the decision above referred to, if there should appear a reasonable apprehension that the lands donated had been diverted, wasted, or squandered, it may well be considered if it be not the further duty of the state to require such equitable adjustment thereof as a judicial investigation should determine.

The true disposition of these public donations was evidently intended to be expressed by Wm. B. Ogden, Esq., President of the Chicago, St. Paul and Fond du Lac R. R. Co. (now Chicago and Northwestern), in a memorial to the legislature of Wisconsin in September, 1856, when making application to the state for lands, in which he says:

"That in building the roads, they are willing that the citizens and state of Wisconsin should have and enjoy the entire benefit, profit and advantage of this munificent gift of lands to the state from the federal government, without any benefit or advantage to

your memorialists as a company, in contradistinction to such citizens or new subscribers, except the benefit to the company of the additional business and profit which these roads, when completed, would be likely to afford to the roads of your memorialists south of Madison and Fond du Lac; and your memorialists are ready to give such reasonable security for the fulfillment of these conditions as the legislature may direct."

If the public spirited policy indicated by Mr. Ogden has been practiced by the Chicago and Northwestern Railway Company, the facts have not come to the knowledge of the commissioners. That such policy should be insisted upon by the state, and made to appear in resulting "cost" of a road, and the consequent effect upon its comparative earning capacity, cannot admit of a doubt.

If it does not so appear in the "cost" account presented, is it not incumbent upon the state to know why?

Is it not the duty of the legislature to provide for such judicial investigations as will insure to the people the full benefit of these munificent gift appropriations from the public domain?

In this connection the following statement is given of the cost of constructing that part of the Chicago and Northwestern Railway Company extending from Oshkosh to Green Bay, as reported by Mr. Wm. B. Ogden, the president of the company at the time:

Oshkosh to Appleton, twenty miles.

"To cover the cost of construction."

Appleton Extension, seven per cent first mortgage bonds.....	\$184,000
Common stock of the company in exchange at par for Appleton and Neenah bonds	30,000

Appleton to Green Bay, 28 $\frac{7}{8}$ miles

Green Bay Extension, seven per cent. first mortgage bonds.....	300,000
Common stock of the company at par in exchange for bonds of Brown county and Fort Howard*.	65,000

Total cost of 48 $\frac{7}{8}$ miles of road, or \$11,889 per mile.....	<u>\$579,000</u>
-------------------------------------------------------------------------	------------------

Estimating the balance of the road from Fond du Lac to the state line (116.9) miles, to have cost an equal sum per mile, and we have as the cost of the entire road to which the land grant applied.....	<u>\$1,889,824</u>
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At the minimum government price of \$2.50 per acre, we should have for the 60,000 acres comprising the grant.....	<u>\$1,500,000</u>
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*"With the proceeds of which bonds and stock it constructed and extended its line from Appleton to Green Bay."
These bonds were secured upon the road, and upon about 200,000 acres of the land grant.

There is reason to hope that the grants more recently confirmed to this state, or expected to be confirmed, and which have been bestowed by the legislature upon the Wisconsin Central, the West Wisconsin and the North Wisconsin companies, will be honestly applied; but the state could, nevertheless, with propriety, correct past omissions by throwing some sort of safeguard around the interest of the people in those grants.

MISMANAGEMENT OF RAILROADS IN OPERATION.

It were well did the evil of mismanagement confine itself to the period of construction. On the contrary, however, it too often appears that the business of building roads for private advantage, so far from satisfying the managers, has only served as a preparatory training for the sharp practice to be followed afterwards.

1. Private gains at expense of company and public.

It is well understood by all who are familiar with railroad management, that there are many ways in which officers can, if so inclined, accumulate fortunes without using capital of their own, and wholly at the cost of stockholders. Among them, is the use of company funds for the handling of grain and produce; paying therefor a price enough higher than unaided buyers can afford to pay, to give them the command of the market, and shipping the same over their own lines free of charge, or at nominal charges. Another is, to arrange with buyers privately to carry their shipments at a price next to nothing—dividing the profits.

Practices like these are believed to be common, and help to account for the rapidity with which railway officials sometimes grow rich on moderate salaries. They also suggest the reason why railroads are sometimes made to facilitate the commercial growth and prosperity of one town or village to the great disadvantage, perhaps total ruin, of another. If private speculations on the part of railway managers are not discovered in all such cases, it is more than likely because pains have been taken to conceal them.

The same sort of evils appear in another guise, and on a larger scale, where a private inside "ring" is formed for the purchase of lands, mines, docks and harbors, and the sale of them for a large advance to the company the "ring" officially represents. The stockholders are duly advertised of the great importance of the property to the future of the road, while congratulating them

on the very favorable terms on which it was purchased, and there the matter ends.

2. The "watering" of stock.

But the giant evil under the head of dishonest management, is undue inflation of stock. A fraudulent contract, the building and buying in of roads to be foisted upon the company managed, as well as the building up and killing out of cities and villages, usually require time, skill in manoeuvring, and careful concealment of the operator's hand. Not so with *stock-watering*. Here the cardinal qualities are daring, and deafness to the protestations of justice. The law is silent, and up to a certain limit the public must have transportation, no matter what the cost. This practice is probably confined to no one country, but it is doubtful, perhaps, whether any other railway managers in the world have a genius for it equal to the American. For illustration of the magnificent scale on which it is sometimes conducted, we have but to look at a single through line from Chicago to New York—the line formed by the Lake Shore and Michigan Southern, the New York Central and Hudson River Railways—whose total *waterings*, within the past few years are alleged to exceed in amount \$80,000,000.

The interest on this sum, at 8 per cent., is \$6,400,000. And since the tariffs on these several roads are gauged to yield that per cent. on nominal capital, it is manifest that this one through line of railways is annually laying this enormous tax of over \$6,000,000 upon the earnings of those who support it, in order that the holders of the stock may reap an annual dividend of some 16 per cent. on the real cost.

If this be the tribute paid by the west on one line of railway with a mileage less than one-seventieth of that of the United States, what must be the burden imposed by this cause upon the industry of the whole country?

UNSKILFUL MANAGEMENT.

Not a little of the poverty of which some railway companies complain, and not a little of the ill feeling here and there manifested toward them, is due to a want of skill and good judgment in conducting their practical affairs. In too many instances they appear to act on the theory that the railway company is alike superior to the will of the state, and independent of popular favor; and

naturally enough, in such cases, this view of the matter enters into the understanding of all subordinate officers and employes.

1. Disregard of the public convenience.

The results are, a disregard of the interests of the public and a bearing which repels those whom the corporations have need to conciliate; And where these characterize the general management, there must, of necessity, follow a general failure to appreciate the wants of the public; and, again, as consequents of such failure, repression of industrial enterprise, where there ought to be every encouragement; a lack of the patronage the company would otherwise secure; and finally, the deep-seated and permanent ill-will of the people with whom they have to do such business as they do not succeed in preventing or in driving away.

This unfortunate disposition on the part of many railway managers has been fostered and strengthened by the readiness with which legislatures have yielded to their demands, and the almost absolute freedom from restraint of any sort which the corporations have hitherto enjoyed.

2. Failure to appreciate the real interests of company.

Again, this cultivated disregard of the desires and interests of the public is not unfrequently accompanied by a lamentable lack of judgment as to what are practically the real interests of the company served,—by a short-sightedness and lack of comprehension which results in the adoption of a narrow and prejudicial, rather than a broad and liberal policy, so essential to the building up of a prosperous business where there was none before, or to the proper nursing of a traffic already begun. It is not uncommon for railway companies to fail entirely of important gains because their managers are unable to see the advantage that would come of better local facilities for the shipping of freight, of cheap trains at convenient hours, or of rates low enough to stimulate production and encourage travel.

The subject of unjust discriminations has been already alluded to under the head of “Management in the Interest of Managers.” Such discriminations are not always made, however, in the interest of managers, or the friends of managers. Sometimes they have origin in the false impression that they are essential to the business prosperity of the company. A prominent shipper is supposed to

be able and fully disposed to advance the interests of the company in some manner, and is thought, on this account, to be entitled to special favors.

The opinion has been very often expressed to your commissioners during their travels over the state, that unfair discriminations have been a more prolific source than any other of the dissatisfied feeling recently shown by the people of many sections—a fact in itself constituting a reason for a prompt correction of this evil.

The principle that should govern in the matter of making discriminations will be discussed further on.

INEFFICIENCY OF MANAGEMENT.

Another evil of practical railway management, and a crying one in this country, is inefficiency. No one who has traveled extensively upon European railways, can have failed to note that a certain slackness is too common with us in every department of the service. Section hands are not thorough enough in looking over every foot of the track. Switch-tenders, who should be as vigilant as a sentinel in face of the foe, are not sufficiently mindful of how truly they hold in their hands the issues of life and death. The inspector of engines either has no existence, or takes far too much upon trust. The car-inspector is not sufficiently quick to detect a flaw in wheel or axle, or a fault in gear of truck. The freight agent is gruff and slow about the shipping and delivery of freight. The ticket agent is inattentive to the questions of the foreign or inexperienced traveler, and sends him by the wrong route. The baggage men are reckless and smash up the baggage, to save themselves the trouble of careful handling. The engineer, however careful of the engine itself, so manages it, in switching, and taking up and cutting off the coaches belonging to his train as to bang up the rolling stock and knock passengers off their feet, and even off their seats. The conductor runs his train with a provoking unpunctuality. And finally, the system of book-keeping is rarely such that the general agent, the chief engineer, the superintendent, or the general manager can report, under three months time, the exact amount and kind of business done, the cost to the company of operating any one division of its road, or the average cost per passenger or ton of freight per mile, or the cost per train-mile. Scarcely anything is done with that scrupulous precision, efficiency

and thoroughness so much more common in Europe, and so very essential to economy, comfort, and security everywhere.

EXCESSIVE CHARGES.

Unjust charges for transportation are commonly denounced, because just here is the point of universal and painful contact between the public and the corporations. And yet, in most cases, they are only the immediate result of the more primary evils already noticed. They are the symptoms in many cases, rather than the disease. Considered as an evil in themselves, they are hard to deal with, for the reason that, beyond a rather uncertain limit, it is quite impossible for any one not possessed of the data for a nice mathematical calculation to say whether this tariff or that is excessive.

If, in the absence of such data, the attempt is made to determine the question by a comparison of the tariffs of different roads, such method is likely to be found unsatisfactory, owing to the great number of modifying circumstances, that require to be taken into the account. But leaving out of view causes and particulars, it is unquestionable that the public in almost every state have had to pay more for transportation than should have been necessary; certainly more than was compatible with the welfare of the industrial classes.

THE RAILROAD SIDE OF THE QUESTION.

Having thus dwelt at considerable length on the evils of railway management, it is perhaps essential to a just consideration of the measures to be employed for their correction, that we should recur for a moment to the very important part railroads have played in promoting the industrial, social and political progress of the world.

To present in detail the beneficial results of railways is of course impossible. They are at once innumerable and immeasurable. Nor is it possible to make a summary that will convey an adequate general conception of the benefits they have conferred.

Having mileage enough for a continuous track six times around the entire globe; moving annually a tonnage of some twenty thousand million dollars in value, and passengers scarcely less in number than the population of the whole earth; stimulating the productive forces of industry everywhere; rendering easy many

otherwise impossible exchanges of products between different countries; leading to commercial treaties which else had not been effected for generations to come; promoting social as well as business relations between widely separated communities; binding together as a homogeneous people, the inhabitants of remote and unlike divisions of a common country; encouraging friendly intercourse between the peoples of many lands; and so helping to establish a brotherhood of the nations, the railway is every where justly regarded as being foremost among civilizing agencies.

For these reasons it is believed there is but little danger that the \$6,000,000,000 of capital said to be invested in railways will be sacrificed, or that the people of any country will knowingly cripple this immensely important interest.

THE PROBLEM TO BE SOLVED.

From all the foregoing considerations, it is manifest that the railway problem, simply stated, is this, namely: how to devise a system of control in the interest of the public that will, at the same time, be entirely just to the railway corporations?

ATTEMPTS TO SOLVE THE RAILWAY PROBLEM IN EUROPE.

1. *Attempts in England.*

As the railway had origin in England, so was it there that the conflict between the railway companies and the public first developed itself. The earliest acts of incorporation established maximum rates for each company chartered. Nevertheless, for a long time, as was natural, the reliance of the public and of Parliament, for security against mismanagement and unfair rates, was mainly upon *competition*, in one form or another. So little was at first understood of the capacity of the railway for the carrying business that it was even supposed common wagon-roads would hold it in check. Then canals were to compete for the heavier traffic. The concessions made to the first companies were accordingly very indefinite.

Treating the railroad as an improved highway for the accommodation of a general freight and passenger traffic, it was expected to be open to all persons who might choose to run trains upon it, subject to the tolls prescribed by the owning company, within limitations to be fixed by Parliament. This plan did not work to satisfaction, however, and as early as 1839-'40 a committee of parlia-

ment, including Sir Robert Peel and other distinguished statesmen, reported against the practicability of this form of competition, declared in favor of a single management for each railway, and suggested the necessity to protect the public interests, in view of the important fact "that the interest of the companies was to a certain extent only, that of the public."

It was not until 1844 that competition between separate lines of railways seems to have gained public attention. A committee then appointed, with Mr. Gladstone as chairman, had the whole subject of competition and general management under consideration for some time; making five successive reports, the third one embodying the following important conclusions:* That the indefinite concessions made to the earlier companies had become unnecessary; that competition between railways would do more harm to the companies than good to the public; that the effect of monopoly, however, both on the public directly, and indirectly on the railway companies, was to be dreaded and guarded against; and that with regard to new lines, at any rate, the government and parliament should reserve certain powers to be exercised after a time.

It is apparent from the reports of a date even earlier than this, that the fear of monopolies and hence of consolidation ("amalgamation") of railways had taken deep root in the public and legislative mind—a hold it maintains to this day.

The final report of the Gladstone committee quite fully discusses the question how to secure, by subsequent legislation, "the greatest amount of accommodation at the least cost;" the general conclusion being that *regulation* was to be depended on rather than competition.

The fruit of these reports was the passage of a law in 1844, containing these as the chief provisions relating to rates and fares, and to state purchase, to wit:

"1. If after 21 years, any new railway has made 10 per cent. for three years, Treasury may reduce rates, but are to guarantee 10 per cent. The revised rates and the guarantee to continue for 21 years.

"2. After 15 years, Treasury may buy any new railway for 25 years' purchase of the average annual profits for the preceding three years; but if the profits are less than 10 per cent., the amount to be settled by arbitration.

"3. No railway less than five miles in length to be bought; and no branch to be bought without buying whole railway.

"4. Recites that the policy of revision or purchase is not to be prejudged;

* Parliamentary Committee's Report (1872), page v.

and that '*public resources*' are not to be employed to sustain undue competition with independent companies, and provides that no revision or purchase is to take place without an act of Parliament authorizing the guarantee or purchase, and determining how it is to be done."

The report of 1844 also led to the creation of a board, subordinate to the Board of Trade of the United Kingdom, whose duty it was to report upon new railway schemes, and bills with reference to their position and comparative advantage to the public, and especially with reference to questions of extension of lines, amalgamation and competition.

Owing to various causes, this board accomplished but little, and the next year was abolished; the Board of Trade being left to make on its own responsibility, such special reports on questions of public safety, violations of railway law, consolidations, etc., as to it should seem proper.

The first report of the Board of Trade touching the consolidation schemes of 1845 (of which there were many), is of special interest as having laid down the guiding principles that should govern parliament in passing upon such measures, namely: "That amalgamations should not be generally or precipitately conceded; that they should be allowed either where the amalgamated lines were branches or feeders, or where they formed part of one continuous line of connection; but that they should not be allowed where the companies had an independent existence, or where the object was to put an end to competition; and they suggested that working arrangements, being temporary, and capable of revision, would often be found preferable to amalgamations."

In 1845, important acts were passed for the encouragement of the competition observed between railway companies and canals, and the policy was adopted of incorporating the following provision into all railway acts subsequently passed:

"Nothing herein contained shall be deemed or construed to exempt the railways by this act authorized to be made, from the provisions of any general act relating to railways, or the better and more impartial audit of the accounts of railway companies now in force, or which may hereafter pass during this or any future session of Parliament, of the maximum rates of fares and charges, or of the rates of small parcels, authorized by this act."

In 1846, the pressure of amalgamation bills became so great that the House of Commons appointed another special committee to take testimony and report upon the subject.

This committee labored hard, but accomplished little more than to increase the general concern as to the growing power of monopolies; to bring to light the important fact that virtual amalgamations in the form of private arrangements, outside of the provisions of law, were common, and to urge the imperative necessity of constituting a department of the executive government, to have "supervision of railways and canals, with full power to enforce such regulations as may from time to time appear indispensable for the accommodation and general interests of the public."

In pursuance of this recommendation, an act was that year passed constituting "The Railway Commission," consisting of five persons; the president, to be paid \$10,000 a year, two other members at \$7,500 each, and two unpaid members; the president and the two unpaid members to have the right to seats in Parliament.

In 1847, was established the voluntary association of the representatives of railway companies, known as "The Railway Clearing House." It was established for the purpose of regulating matters of joint traffic between the companies having connection therewith. This association, legalized in 1850, has gradually come to embrace all the important companies of England, and has been eminently serviceable in producing uniformity and efficiency of management.

The speculative power of former years having somewhat abated, in 1851, the railway commission was abolished; the duties being retransferred to the Board of Trade.

Two years later, however, the fever revived, strife among the great companies became more active than ever, and the pressure of bills again made it necessary to refer the matter to a select committee. This committee, Mr. Cardwell being chairman, made, in all, five reports; the last one being especially elaborate in its discussion of amalgamation and interchange of traffic. Their recommendations on the last head resulted in what is styled "The Canal and Railway Traffic Act," passed in 1854—a very important one, in that it establishes the principles: (1) that every company should be compelled to afford to the public, in respect both of goods and of passengers, the full advantage of convenient interchange from one system of railway to another; and (2) that every company should make equal charges under the same circumstances.

This act is faulty, in that the remedy, in case of infraction, lies in an appeal from the injured party to the court of common pleas,

instead of a tribunal specially competent to hear and grant relief, in a more summary manner.

In 1865 a royal commission was appointed, consisting of the Duke of Devonshire and twelve other distinguished gentlemen, charged with the duty of considering the subject of railway communication, especially the interchange of traffic and the diminution of charges. The report of this commission, presented in 1867, contains a vast amount of evidence relating to these and other railway questions, together with their conclusions; the most important of which are in substance as follows:

That it is not expedient for the government to avail itself of its reserved right to purchase railways.

That parliament should not interfere with the incorporation and financial affairs of railway companies, leaving such matters to be dealt with under the "Joint Stock Companies Act;" limiting its own action to regulating the construction of the line and the relations between the public and the companies so incorporated.

That railway companies should be bound to run at least two trains a day for third-class passengers.

That it would be "inexpedient, even if it were practicable, to adopt any legislation which would abolish the freedom railway companies enjoy of charging what sum they deem expedient within their maximum rates, when properly defined, limited as that freedom is by the Traffic Act."

That railway companies should be required to make stated reports to the Board of Trade in such form as the board may prescribe.

In 1872, another Joint Select Committee on Railway Companies Amalgamations was appointed, consisting of the Marquis of Salisbury, Earl Derby, Earl Cowper, Lord Redesdale, Lord Belper and five eminent members of the House of Commons. The report of this committee deals with the same general questions so often treated of before, and urges with much force the committee's reasons for the following, among other, conclusions:

That past amalgamations have not brought with them the evils which were anticipated.

That competition between railways exists only to a limited extent, and cannot be maintained by legislation.

That combination between railways is increasing, and is likely to increase, whether by amalgamation or otherwise.

That effectual competition by sea should be guarded by preventing railway companies from getting control over public harbors.

That canals are also some reliance for competition; that their facilities for through shipments, whether by other canals or by railways, should be increased, and that no canal should be transferred to, or be placed directly or indirectly under the control of any railway company.

That equal mileage rates are inexpedient.

That there should be publicity of rates and tolls.

That there is need of a new tribunal, consisting of three railway and canal commissioners for a careful and thorough supervision of the transportation interests of the kingdom, with authority to enforce the laws relating to those matters, to hear complaints and settle disputes, and with the further duty of assisting and advising Parliament in railway legislation.

These conclusions were generally approved, and the Railway Commission has been appointed in accordance with the recommendation.

We have been thus full in our account of attempts to settle the railway problem in Great Britain, for the reasons—that the experience of that country has been more extended than that of any other; that the English railway system, if such it can be called, is more like our own; that the habits, spirit and temper of the English people are also similar; and that the whole subject of legislative control of corporations has been so often and so laboriously inquired into by the best minds of that advanced nation.

2. Attempt to solve the railway problem in France.

The French railway system is totally different from those of Great Britain or America—different, indeed, from that of almost any other country. It is neither the system of free and independent companies, on the one hand, nor the system of government railways on the other. Competition is purposely prevented, instead of encouraged.

Up to 1842 but little had been done in the way of construction. In that year, nine great lines were authorized. In 1852 two or three consolidations took place, and they were reduced to six in number; the government assigning to each an extensive district of the empire for its field of operations; and the companies undertaking, as a consideration for this favor of insuring them against compe-

tition, to build a net-work of feeders to these main lines. The companies finding this agreement a hard one to fulfil, the government, by laws of 1859 and '63, allowed them to issue bonds, itself guaranteeing 4.65 per cent. interest thereon for 50 years, the 65 p. c. becoming a sinking fund. The receipts from the old or main lines were calculated, and a sum per kilometre definitely proportioned to the income, was fixed, which each company might apply to its operating expenses, interest on bonds, dividends on stock, and any difference the company might have to pay between the interest guaranteed and the interest to be paid. Any excess beyond this fixed sum was applicable to any deficiency arising from the working of the new lines. If after such application of the excess, a deficiency should still exist, the government was to make it good to the extent of its guaranty. Any advance by the government to be treated as a loan, repayable with 4 per cent. simple interest.

The amount of aid which had been given to railway companies up to 1864, is shown below. Considerable further assistance has been given them since that date, but the exact statistics are not at hand:

Aid Granted to the Railways of France.

Names of Companies.	Total Outlay by the State, the Department and the Communes.	Subventions by the Government, in Money or Works, not Repayable.	Subventions by the Department, the Communes and Various	Outlay made and to be made by the Companies.
	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Nord.....	639,838,174	2,462,867	2,818,637	634,576,670
Est.....	1,293,837,259	187,556,153	6,405,758	1,099,875,548
Onest.....	1,170,610,376	218,991,009	14,176,976	937,446,391
Orleans.....	1,659,113,750	338,705,803	4,002,275	1,316,405,652
Paris, Lyons and Med'n	2,630,052,073	869,586,677	27,009,824	2,233,455,572
Midi.....	823,536,887	175,200,000	390,000	647,946,887
Totals.....	8,217,008,499	1,292,502,509	54,803,470	6,869,702,520

The regulations governing rates were the same for all the companies, and the financial arrangements in accordance with a fixed principle. All charters are for 99 years, at the end of which period the government becomes possessed of the roads on condition of paying for the rolling stock and other movable property. It may, indeed, purchase the lines of a company after 15 years from date

of charter, on condition of paying the company an annuity equal to the mean net profit of the most profitable five of the last preceding seven years; provided that such annuity shall in no case be less than the net profit of the last year of the seven.

Maximum rates and fares, as well as the classification of freights, are determined with the approval of the government, but much liberty is allowed as to lowering rates and making special tariffs. Publicity of all rates is imperative and no change can be made without a month's notice. Through rates, running powers and other facilities about which there has been so much discussion in England and in this country, are provided for by law. The control of railway matters is with the Central Railway Commission, of which the Minister of Public Works is president.

The surveillance is very extensive and minute, being in the hands of officers who have been thoroughly trained in the great technical schools of the empire.

It has been claimed that the absence of competition results in a falling behind other countries in the matter of improvements, etc., but the system certainly works smoothly and very satisfactorily in all other respects. The Republic appears to have considered it good enough to let alone.

3. The railway problem in Germany.

In Germany the railway system is mixed; some roads being owned and managed by the state, others by chartered companies.

The Prussian government started out in 1838 on the anti-competition principle, enacting that no second railway running in the same direction as the first, and touching the same principal points, should be constructed by any other parties than the company conducting the first railway, within a period of 30 years from the opening of such railway—a law which proved repressive of railway enterprise and often disadvantageous to the public. The same law reserved to the state the right to purchase any railway, for due consideration, within 30 years from date of opening.

Under the Empire all railways in the several states confederated are to be administered as one system, which has been considerably extended in liberality as well as scope, since its inauguration.

As the constitution of the empire lays down the general principles of the system, we here introduce so much of that instrument as relates to railways:

"PART VII. RAILWAY MATTERS.

"ART. 41. Such railways as are deemed necessary, either for the defence of Germany or the public intercourse, may be constructed by virtue of an imperial law on account of the empire, notwithstanding any opposition of members of the confederation, without prejudice, however, to territorial rights of sovereignty, or may be conceded for execution to private contractors, and invested with the right of expropriation. Every existing railway administration is bound to consent to new railways being connected with their own at the expense of the former. The legal dispositions granting to existing railway undertakings the right to interdict the construction of parallel or competing railways, are hereby abolished for the whole empire, without prejudice to rights already acquired. No such right of interdict can be hereafter granted in future concessions.

"ART. 42. The governments of the confederation engage, in the interest of the public traffic, to cause the German railways to be administered as one system, and for this purpose all new railways are to be constructed and equipped according to uniform rules.

"ART. 43. Consequently, uniform working arrangements shall as far as possible be laid down, and especially uniform railway police regulations introduced. The Empire will take care to provide that the railways are constantly maintained by their administrations, in a proper state so as to guarantee their safety, and also that they have the full complement of working material as needed for the public service.

"ART. 44. The railway administrations are bound to establish as many passenger trains, with corresponding rapidity, as are needed for the transit traffic, and to make the proper time arrangements corresponding to each other, also to establish goods' trains in sufficient number having regard to the traffic, also to arrange in return for the usual remuneration, through passengers' and goods' trains, allowing the rolling stock to pass from one railway to the other.

"ART. 45. The Empire is charged with the control of all matters of tariff; it will especially provide:

"(1) That uniform working regulations, as soon as possible, be established for all German railways.

"(2) That the greatest possible uniformity and reduction of the tariff shall take place, especially, that for greater distances, a reduced tariff, corresponding to the wants of agriculture and industry, be introduced for the transport of coals, coke, wood, ore, stones, salt, pig-iron, manure, and similar objects, and, in the first instance, so far as possible, the one pfennig tariff.

"ART. 46. For times of public calamities, especially of dearness of the necessaries of life, the railway administrations are bound to establish, temporarily, for the transport especially of corn, flour, husk fruits and potatoes, a lower special tariff corresponding to the want, to be fixed by the Emperor on the proposition of the proper committees of the Bundesrath, which tariff, however, must not be lower than the lowest rates in force on the respective railway for raw produce.

"The foregoing provisions, as also those contained in Art. 42 to 45, do not apply to Bavaria. The Empire, however, remains invested with the right, even as concerns Bavaria, to lay down, by legislative means, uniform rules for the construction and equipment of such railways as are of importance to the defense of the country.

"ART. 47. All railway administrations are bound unconditionally to obey the demands of the authorities of the Empire as regards the use of the railways for the defense of Germany. In particular, soldiers and all war material must be transported at uniformly reduced rates."

The laws now in force wisely regulate the matter of through shipments; under general restrictions, leave the companies considerable freedom as to tariffs; require publicity of rates, as in France; are steadily arriving at a desirable uniformity in the matter of classification and working arrangements; and distinctly assert the right of state supervision.

Considerable complaint is made since the Franco-Prussian war, of a want of facilities for the rapidly growing traffic, but the system as such appears to have the approval of the people.

4. The Austrian railway system.

The Austrian closely resembles the German system, being mixed as to ownership and state management. In fact, however, but a very inconsiderable proportion of the lines is worked by the state. The concessions are granted by the emperor for a term not exceeding 90 years, when the line, with their appurtenances, become the property of the state, the rolling stock still remaining the property of the companies. Every charter includes a maximum of rates or charges, but under the maximum the company has general license, subject to a triennial approval by the minister of commerce, and the further provision that when the net profits exceed 15 per cent. the government can reduce the maxima. The government has guaranteed interest on a large proportion of the aggregate cost of the roads. The management is obnoxious to but little censure. In some respects, it is most admirable. The passenger service is especially good.

5. Other countries having similar systems.

Italy, Russia and the Scandinavian states have essentially the German and Austrian systems. They are the more backward of the European states in their railway development, especially Russia, which has but 1 mile of railway to 284 square miles of area, and

Sweden and Norway, which have 180 square miles of territory to one mile of road. Their roads are well constructed, and their working is efficient, and apparently satisfactory to the public.

6. Spanish and Portuguese railways.

As might have been anticipated, Spain and Portugal are imitators of France rather than Germany. All their roads are owned and managed by companies. They show good engineering, but are managed with less efficiency than those of France. The railway problem has not as yet very much agitated either government or people, so far as we have been able to learn.

7. The Belgian system.

The railway history of Belgium is one of peculiar interest. From the beginning of their construction until 1850, the building and extension of the lines was pretty much monopolized by the state; at least to such an extent that, in that year, the proportion of mileage belonging to the state was 64 per cent. of the whole; the remaining 36 per cent. being in the hands of corporations.

Moreover, during this period the government had occupied the most important routes. Feeling secure, therefore, in its supremacy, it, practiced more liberality, granting concessions for the building of very short lines quite freely; so that in 1860 the scale had turned, the proportion of state railways mileage then being but 33 per cent.

The concessions to companies are for 90 years, and in most cases contain a reservation of power to purchase on about the same terms as is provided in the French concessions already explained, with the addition, by the government, of a premium of 15 per cent.

It is rarely that pecuniary aid in the way of guaranteeing interest on bonds, or in any other form, has been granted to companies by the state.

The principle of legislation has been to have the companies entirely free as to earnings within the powers allowed, there being no limitation of dividends or provision for a reduction of the maximum rates prescribed in the forms of the concession.

The reliance of the state has been simply on its own skillful management of the great trunk lines of which it was the owner. And so long as the other lines were short and weak, there was little embarrassment from any quarter. After 1860, however, some of the lesser companies owning lines susceptible of advantageous consoli-

dation united them under one management, and have since become very formidable competitors of the state. At times, the competition between the state and private lines has been so sharp as to embarrass both parties, and force upon them mutual concessions, and at last to a compromise in the form of "joint purses" or other measures commonly resorted to by independent railway companies in dealing with each other.

Theoretically, no company can lower its tariff without both permission from the minister of public works, and 15 days' public notice; the penalty for disregard of the provision being that the minister may compel the company to make the illegal reductions applicable to all traffic of the same class.

The regulations governing interchange of traffic, use of track, terminal charges, and division of earnings are definitely fixed.

The upshot of the contest so vigorously waged for some years between the state and the companies, appears to have been finally settled upon the basis of a common understanding. Had the state not seized upon the best opportunities when the field was open, or, having the advantage in this regard, it had not pushed the enterprise with remarkable energy, the case would probably have been very different. Having the power to prescribe general conditions at the outset, the ability to make experiments in the interest of the public, and caring nothing as to how near the profits were reduced to the four per cent. acceptable to the legislature, the state seems to have at last settled the railway problem for Belgium, in a pretty satisfactory manner.

8. The Holland system.

In Netherlands, the net-work of canals is so extensive and affords such facilities for handling the heavy freight, that the railway system has developed slowly and assumed comparatively little importance in respect of the questions herein considered. The principal lines were constructed at the cost of the state, but are operated by private companies, under a form of lease which reserves to the state a certain general control, that guarantees successful working.

ATTEMPTS TO SOLVE THE RAILWAY PROBLEM IN THIS COUNTRY.

The proper limits of this report forbid the attempt to give anything like a complete account of the action taken in and by the

several states, with a view to the solution of the question of railway management in the common interest of corporations and people. We shall, therefore, simply present the salient points in the history of such action; giving as correctly as we can the present status of those few states which either have been or are now especially active in their efforts to protect the people against what is deemed railway oppression.

1. *The problem in New York.*

Ere the twentieth year of railway experience in New York, the evils of mismanagement on the part of railroad companies had become so important as to demand legislative action, and finally the appointment, in 1855, of a board of railroad commissioners, charged with duties similar to those imposed upon the commissioners of this state.

The report made by this first board of commissioners is one of much interest. Even thus early most, perhaps all, the evils of which complaint is now made, had crept into the business of constructing and building railroads. The same spirit of speculation, building in advance of due preparation, and managing in the interest of corporators instead of the corporation and the public, was rife, as will appear from the following quotations from that report:

"In many cases, those who desire the benefits of a railroad furnish too small a portion of its cost to insure a proper watchfulness in the expenditures. As so much of the money is obtained by borrowing, it is likely to be carelessly expended or squandered." * * * *

"In the natural anxiety to secure the work, estimates are presented, under-rating the cost and over-rating the prospective profits. These under-estimates require an earlier resort to loans, and the first bonds being exhausted before the completion of the work, the issue of a second becomes necessary, while the equipment is either left wholly or in part to be obtained by a floating debt, pledge of income, or some other financial chicanery. * * *

Such a process sinks the value of the stock to its lowest ebb, and the continued drains for the payment of heavy interest, keeps it there beyond the hope of recovery."

Touching the management of the roads themselves, the New York commissioners say:

"To the *errors made* in the first construction of some roads is added a constant increase of the capital from year to year, until the point is reached where the profits of even a large business are insufficient to meet the interest

of its cost, and sometimes even of its debts. This increase of cost, growing out of a departure from the objects aimed at in the original construction, and a chase after the phantom of 'through business,' 'western connections,' 'tributary roads,' while by the expenditure of further sums for 'more equipment,' 'larger depots,' 'steamboat connections' and material aid to connecting roads, an aggregated capital has accumulated, the interest of which will impose a tax upon its local business, inasmuch as for its through business it is compelled to maintain a competition with rival lines who can or do perform it at a minimum of profit."

During the intervening years, there have been many fruitless attempts at legislation looking to a correction of these and other evils of which the commissioners then made complaint. The measures were chiefly too late in offering themselves. The corporations had become more influential in the halls of legislation than the voice of justice.

Passenger fares have been fixed at a maximum of three cents a mile for the roads generally; at two cents per mile for the New York Central; and at two cents in summer, and two and a half cents in winter for the Hudson River road.

The railroad companies report annually to the State Engineer, under whose direction the reports are published.

These restrictions excepted, the corporations have matters pretty much their own way in New York.

2. The railway problem in Massachusetts.

So far as appears from published documents, Massachusetts only became fully aroused to the importance of adopting some method of dealing systematically with the railroads of the state in the year 1869. Various laws had been previously enacted, most of them relating to matters properly classed as police regulations, but no action had been taken with a view to a full and final settlement of the relations between the corporations and the state. In that year a law was passed creating a board of commissioners, charged with certain general duties pertaining to inspection of roads and the observance of the laws in force, as well as with the duty of hearing complaints and petitions, and, finally, of making a report, annually, to the legislature "of their doings for the preceding year, containing such facts, statements and explanations as will disclose the actual working of the system of railroad transportation in its bearing upon the business and prosperity of the commonwealth, and such suggestions as to the general railroad policy of the com-

monwealth, or as to any part thereof, or as to the condition, affairs or conduct of any of the railroad corporations of the commonwealth, as may seem to them appropriate."

In 1872, the legislature passed a general railroad law similar to our own of the same year, for the incorporation of railroad companies without special enactment, and for their governance in various matters pertaining to construction and management.

The commissioners, after years of investigation, report adversely on the proposition to regulate charges for transportation, unless it be of passengers, and in favor of mixed ownership by the state, as will appear further on in this report.

3. The railway controversy in other New England states.

In all the New England states there has been considerable agitation of transportation questions, and in Connecticut, New Hampshire and Vermont, the "commissioner system," so called, has been in use for some time.

4. The railway question in Pennsylvania.

The state of Pennsylvania has a system of partial supervision of railways, amounting, at present, to but little more than requiring annual reports to be made to the state auditor. The whole subject is considerably agitated just now, however, the prospect being that a policy of control, as to rates, may soon be adopted.

5. The problem in Ohio.

Ohio did not fairly commence the work of inquiry into matters of railway management until 1867. In that year a law was passed providing for the appointment of one railroad commissioner, with authority to inspect the roads and require them to be kept in a safe condition, to make investigation into the grounds of complaints made of railroad companies, and to report all real grievances to the governor for the information of the legislature; also to require reports from all railroad and telegraph companies, to attend to the enforcement of all laws relating to railroad and telegraph matters when the same are brought to his notice, and finally to report the condition and working of the several railroads within the state.

By an act of 1873, the railway companies not protected by special charter privileges, as well as all companies thereafter incorporated, are limited as to rates of charges.

The latest reports of the commissioner indicate that the railroad

laws are working with but little friction, and that there is much less agitation of the railway question there than in the northwestern states.

6. The railway question in Michigan.

Thus far, Michigan has followed almost exactly in the foot-steps of Ohio. An act was passed in April, 1873, creating the office of commissioner and that officer submitted his first report at the close of the same year.

The law gives the commissioner ample powers for the inspection of the roads, to require reports of the railway companies, and to prosecute for violations of laws relating to railways, in the name of the people of the state of Michigan.

The law fixes a maximum charge of three cents a mile for passengers on all but the newer and weaker roads, some of which, as in the Peninsula, are allowed to charge five cents per mile.

The recommendations of the commissioner are adverse to any attempt of the legislature to establish rates for the transportation of freight.

7. The railway question in Minnesota.

The question of cheap transportation is one of so much importance to Minnesota, by reason of her immense production of grain, and her remoteness from the eastern markets, that the agitation of railway reforms commenced even earlier there than in states further east. The first law passed with a view to future control of railway companies was enacted in 1871. It closely resembled the Ohio law, and like it provided for the appointment of a single commissioner with duties limited almost entirely to the collection of statistical information and an annual report thereof to the legislature.

This law did not satisfy the people, however, and after three years another was enacted, providing for three commissioners instead of one, and imposing upon them the duty of classifying freights and establishing rates of transportation. As the report of these commissioners is not yet received, it is too early to speak of the success of the experiment.

8. The Railway question in Illinois.

In the state of Illinois the subject of railway transportation has been much agitated for many years. Conventions held at various times and places have discussed the matter and sought to secure

legislation of a restrictive character. The railroad companies had received charters granting the most liberal powers, and the constitution of the state under which the grants of power were given, contained no reservation of authority to alter or amend. Thus secure in the exercise of their prerogatives, the railroads doubtless made exactions of the people in some cases which were unjust and oppressive. The natural law of competition in which the public reliance was at first universal, had again shown itself to be utterly insufficient for the protection of the public. At last, the time came when, for many reasons, public opinion demanded a total revision of the constitution. This was effected in 1870, and not without due regard to the transportation interests; for by the constitution railroads are declared public highways, and the duty of establishing reasonable maximum rates for railroad transportation is imposed on the legislature. Power is also conferred upon the legislature to make laws prohibitive of unjust discrimination, with the severest penalties for violations of the laws enacted. As the Illinois constitution is peculiar in these respects, we quote so much of it as relates to this subject.

It provides—

First. That every railroad company doing business in the state shall maintain a public office within the limits of the state, where stock books and other important records shall be kept for public inspection.

Second. That “the rolling stock and other movable property belonging to any company shall be liable to execution and sale in the same manner as the private property of individuals.

Third. That “no railroad company shall consolidate its stock, property or franchises with any other railroad corporation using a parallel or competing line;” and in no case whatever, except upon public notice given, of at least 60 days, to all stockholders, in such manner as may be provided by law.

Fourth. That a majority of the directors of any railroad shall be citizens and residents of the state.

Fifth. That all railroads of the state shall be considered highways and free to all persons for the transportation of their persons and property, under such regulations as may be prescribed by law; and “that the general assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads of the state.”

Sixth. That “no corporation shall issue any stock or bonds, except for money, labor or property actually received, and applied to the purposes for which such corporation was created;” that “all stock dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void;” and that “the capital stock of no road shall be increased

for any purpose, except upon giving 60 days' notice in such manner as may be prescribed."

Seventh, That "the general assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in the state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of property and franchises."

Eighth, That "the exercise of the right of eminent domain shall never be so construed as to prevent the taking, by the general assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals;" and that the "right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of such right."

Clothed with the ample powers thus conferred, the legislature of 1871 passed "an act to prevent unjust discriminations and extortions in the rates to be charged by the different railroads in the state for the transportation of freight on said roads."

This law classed the roads of the state according to their earnings; made the transportation rates of 1870 the standard for freight charges; provided that no railroad corporation should charge a larger compensation for carrying freight over any distance than is charged at the same time for freight of the same class over a less distance, nor the same amount charged for a less distance; prescribed severe penalties for violations of the law; and created a board of commissioners to carry out its provisions.

This law went into effect in July, 1871. It was disregarded by the railroad corporations very generally, and various suits resulted. Finally the law came before the Supreme Court in a case of appeal, and was pronounced invalid; Chief Justice Lawrence delivering the opinion of the court.

The suit was brought by the railroad commissioners against the Chicago and Alton Railroad Company on the charge of a violation of the provisions of the law against discriminations, and the decision of the court was based on the ground that the law made no proper distinction between *just* and *unjust* discriminations, as will appear from the following quotation from the published opinion:

"The opinion of the court is, that while the legislature has an unquestionable power to prohibit unjust discrimination in railway freights, no prosecution can be maintained under the existing law until amended, because it does not prohibit unjust discrimination merely, but discrimination of any char-

acter, and because it does not allow the companies to explain the reason of the discrimination, but forfeits their franchise upon an arbitrary and conclusive presumption of guilt to be drawn from the proof of an act that might be shown to be perfectly innocent. In these particulars the existing law violates the spirit of the constitution. The judgment of the circuit court ousting the appellant of its franchises, must therefore be reversed."

In May, 1873, a new law was passed; a leading characteristic being that it recognizes the principles laid down by the supreme court, namely, that railroad charges must, under the common law, be reasonable. Accordingly it prescribes what shall be *prima facie* evidence of extortion and unjust discrimination, and imposes upon the railway companies the burden of proof that the act complained of is just and reasonable.

It also requires the commissioners to prepare schedules of rates for the several roads, with power to change them at discretion; these rates, likewise, to be held judicially reasonable until otherwise declared by the verdict of a jury. Under its provisions the commissioners prepared schedules of rates, and have since been actively employed in enforcing the law, though without the most gratifying success. The corporations are many of them persistent in operating their roads under their own tariffs, and others, affecting a substantial compliance with the law, are seeking by various means to render it odious with the public.

The report of the commissioners for 1874 indicates confidence in the wisdom of the present policy and in the final triumph of the law over all opposition.

9. *In Wisconsin.*

The railway legislation of Wisconsin, while it is due in general to the same causes which have induced restrictive legislation elsewhere, was hastened, we may say precipitated, by the impolitic and unjust action of some of the railway companies in making an increase upon their usual charges—already considered quite too high—in the autumn of 1873, when, for the first time in three years, the product of our agricultural industry had come up to the annual average.

The practical character of the law passed at the next subsequent session of the legislature is quite fully considered in another portion of this report; while its validity is ably set forth in the opinions of the Supreme Court of the state, and of the United States

District Court for the Western District of Wisconsin, both of which will be found in the Appendix hereto.

THE TEACHINGS OF ALL PAST EXPERIENCE.

From this survey of the past, the following general conclusions are unavoidable:

1. *That the public character of railways is fully established.*

One form of argument in high quarters against the exercise of public supervision, is embraced in the proposition that corporations have transportation to sell, and that the purchase of the article or privilege so offered for sale, like that of all other commodities in market, is at the option of the purchaser. But the condition of sale in this case, come under none of the ordinary conditions of human traffic. The original right to construct and operate railways is an emanation of sovereignty, grounded on public considerations, and having explicit reference to public as well as to private use and profit. The question of power is already substantially and fortunately settled as to our own state. The subsidiary question of the necessity and propriety of judiciously exercising that power when possessed, is equally settled in the opinion of the whole civilized world. We know of no government in Europe which has not already exercised this power—not with reference to the special ends of arbitrary government, but with the purpose of defending the people from the encroachments of consolidated wealth, manifest in the form of corporate monopoly.

2. *That the consequent right, and the necessity of control are nowhere in doubt.*

It appears that the right of the state to exercise supervision over railway corporations has been recognized wherever the subject has received mature consideration—that it has been asserted by chambers and parliaments in all the countries of Europe, as well as by the legislatures of this country, and that it has been sustained and confirmed by the highest courts. Such conclusions are unavoidable, having their foundation in the common law and in the very nature and relations of society.

3. *That control is demanded by the public interests.*

This proposition is now so well established, that there can be none to dispute it. The people have rights which inhere in the

very nature of the case and are inalienable. No legislature conferred them, and none can take them away. Governments may define these rights, and throw around them the safeguards of law; and this much they are bound to do. They are also bound to do it wisely and justly.

The facts which demand the intervention of public authority are enforced and multiplied by all experience and investigation. Not merely in the theory of law, but as a practical fact, railways have become public highways, and all classes of our people are as dependent upon their wholesome management as upon the wholesome management of any other public property. The assumption on the part of the advocates of non-intervention, that the public has a choice between other methods of transportation and transportation by rail, is without actual truth. If the choice exists, that choice cannot be exercised, except upon such conditions as to render the privilege nugatory. As to large masses of freight, and a considerable portion of passenger travel, rapid transit by rail is the only available alternative presented. And were the fact otherwise, it is impossible to presume, under any known axiom of good government, that interests so vast and manifold as to involve the fundamental conditions of public progress and prosperity should be surrendered to the undisputed determination of a personal discretion, based solely upon considerations of private or corporate profit.

4. That control is demanded in the interest of capital.

Most assuredly, the relations of our people to capital are not to be ignored. We are not under any circumstances to overlook the grave fact that the material interests of our state are vitally dependent upon the safety and ample remuneration of future investment in railway construction. A consultation of the comparative statistics of this report will show you that the industries of Wisconsin are far more dependent upon future investment than past expenditure in this direction; and we know of no consideration of material interest or public morals which can counsel indifference to the honorable claims of capital to ample consideration for all legitimate expenditure.

Protection of capital from mismanagement.—It will not be assumed, however, that the interests of capital itself can be best promoted by the mismanagement of railways, or by the imposition of extortionate rates, or unjust discriminations. And judicious leg-

isolation should prohibit nothing more. The world over, capital prefers moderate returns on reliable security, rather than excessive returns upon unreliable security. The price of railway stock and bonds in any market depends less upon the rate of interest promised than upon the character of the enterprises upon which they are based. Most of all, they depend upon the legitimate management of the property in which the purchase money is invested.

The history of all railway management furnishes an instructive lesson upon this topic. It is an almost unbroken history of broken faith and depreciated credit. Stocks originally sold under sanguine assurances of large returns, have become worthless paper. Bonds doubly assured on their face and by every apparent source of security, in many cases possess but a speculative and uncertain value. Tables appended to this report furnish but an inadequate impression of the fluctuating and unreliable character of the assurances and rewards furnished capital for investment in the railways of our own state.

Original sources of capital.—In the beginning, a very large proportion of the credit and capital necessary to the construction of Wisconsin railroads was furnished by citizens and municipal corporations of the state. This at a time, too, when the state was thinly populated and its people comparatively poor. And originally the profits of railway investment were far more promising than now. The cost of construction was absolutely less, and the operating expenses very much less in proportion to gross receipts.

Insecurity of railway investments.—At the present time, however, popular confidence in railway stocks has practically departed. No farmer, no merchant, no retired capitalist seeks to invest his surplus funds or labor in any railway company in which he does not himself possess control. And this want of confidence and refusal to contribute to public enterprises of this class, are in no manner measured by the real merits of the enterprise itself. On the contrary, they are the fruit of the common judgment, that railway capital is the sport of speculative management.

Depreciation of bonded security.—Nor does this want of confidence extend to stock subscriptions alone. The bonded debts of railway companies are also rapidly becoming the object of suspicion. And this on precisely the same ground that originally deteriorated the market value of capital stock. The stock is no longer

regarded as the representative of legitimate capital. Sold at a discount, inflated, unlimited by law, and often misappropriated, its actual amount and value ultimately become subject to the discretion of the managing board. The bonded debt, subject to the same conditions and influences, is liable to the same possible dilution and depreciation.

Public consequences of insecurity for capital.—This tendency to financial demoralization, wholly prejudicial to regular investment, is of startling import in all its history and possible consequences. One of the immediate results is the fact that the public is held responsible for the payment of interest on a vast capital, nominal and not actual, and rendered nominal, at least, in great part by means which no intelligent judgment can sanction or approve.

5. That the necessity for control is a growing one.

That the demand for a judicious control is a growing one, is apparent from the rapid development of our country, and the consequent need of increased facilities, duly guaranteed and protected. It is especially apparent in the case of the northwestern states, whose resources are so incalculable, and whose growth in population has been so unprecedented during the recent years. Here are millions of an industrious, energetic, and progressible people, gathered from all parts of the new and old world, for the very purpose of availing themselves of the extraordinary opportunities afforded by our fertile soils, our forests of timber and our rich and varied mineral resources. They came as to the garden-spot of the whole world, and they will make it a garden in fact, if their industry is properly encouraged.

Transportation, easy, prompt and cheap, is a condition of the growth of this new empire of the northwest, which the economist cannot fail to recognize, and which legislatures cannot ignore. Somehow, it must be insured, or a nation's growth is retarded.

REMAINING QUESTIONS THOSE OF KIND AND DEGREE.

The first questions being fully settled, let us now consider the great questions of the present, namely: what should be the form and nature of the control to be exercised, and to what extent is it proper to carry it?

These are in fact the questions which at this moment agitate the

public mind in so many countries. They are doubtless in the way of settlement, but they are not settled. Indeed, as we have seen, scarcely any two states or countries fully agree as to either of them. One is trying full ownership by government, the state working the roads. Another prefers government ownership, the roads being leased to private corporations. Another, mixed ownership, the state owning and operating, or leasing, a part of the roads, and allowing companies to operate the rest. Another charters companies, assists them with money, and puts them under ministerial restraint, not only forbidding but preventing competition. Another creates companies and leaves them to carry on the business of transportation pretty much as they like, but concentrates the best thought and the largest powers of the government deemed judicious, upon the matter of consolidations, with a view to prevent them. And yet others practice upon the theory of total non-interference.

GENERAL FAULT OF PAST RAILWAY LEGISLATION IN THIS COUNTRY.

A leading and prevailing fault of the American treatment of the railway question has been a blind adherence to pre-conceived notions, regardless of either philosophy or experience. If the insufficiency of the natural restraints, self-interest and competition, could not be determined *a priori*, it would still seem that successive and complete failures, running through a period of forty years, should have satisfied us of the futility of such a reliance. Perhaps we should have said, rather, our chief fault has been that, not until very lately,—after we had already authorized and procured the building of a more extensive system of railways than that of all Europe,—have we so much as had a question of railway control among us? The only question has been, How are we to get the roads we want? To be able to answer this, the people have knocked loud and long at the door of congress and of all our legislative halls; enthusiasts and speculators have taxed their inventive genius for the preparation of attractive schemes; steady men, of sound mind and solid means, have turned themselves into staunch promoters; plain, honest farmers have become railway directors and skilful lobbyists; counties, towns and municipalities have burdened themselves for many decades by extraordinary taxation; and thousands upon thousands of pioneer yeomen have put fatal mortgages upon their only earthly possessions.

As a result of this universal anxiety to extend our systems of railway, the charters have, in the main, been generously drawn in the interest of the corporations, to the almost total exclusion of the thought of limitations of power; and much special legislation has been added, as a means of confirming to them privileges, advantages and powers directly opposed, as now appears, to the best interests of the people.

In view of all the facts, perhaps it should not be surprising that we have added to the errors of omission the fault of illogical and abortive legislation of a positive character; aiming, as we have chiefly done, at effects and symptomatic conditions, rather than at causes.

FAULT OF PAST RAILWAY LEGISLATION IN WISCONSIN.

1. The early legislation not sufficiently guarded.

For proof of the liberality of Wisconsin toward railroad enterprises, we may confidently refer to the abstract of laws accompanying this report, and to the numerous charters granted in excess of the real demand. The legislation has been generous, but it has not been sufficiently guarded, and even we have not escaped the errors of our sister states.

If under the peculiar provision of our constitution, the legislature may regain what has been lost, still there stands the ugly fact, that, in many cases, the efforts and sacrifices made, as well as the money invested, would not have been so made and invested but for the guaranties freely and solemnly given by the state, in the form of legislative enactment. To be just to the people, it is difficult to avoid being unjust to the railroad companies.

2. Past legislation too special.

We mean to say, much has been done by special legislation that could have been better accomplished under general laws. This upon the principle, that the least legislation the better, the ends of good government being secured. This is especially true as applied to great corporations, legislation concerning which is so liable to be attended by influences of demoralization, to say nothing of the unnecessary expense that must be met by both the state and the petitioners. Happily, however, Wisconsin, following the example of the English parliament, and of many of her sister states, has now passed this point of danger.

THE PEOPLE NOT FREE FROM CENSURE.

The public itself is, therefore, by no means free from censure in this particular. The history of railway legislation in this state is unsurpassed for the indifference manifested to every public or private right and duty in this connection. The earlier enactments of the legislature bear evidence of the disposition to some prudence and devotion to general principles of restraint. In the course of time, however, important restrictions upon corporate ambition have disappeared, and until the reaction of last year, we know of no privilege or power which the principal railway companies of the state could plausibly demand, either for good or selfish purposes, which had not been unreservedly granted. An abstract of past legislation accompanies this report. It will be seen on reference to the history of this matter, that one act has succeeded another, until the statute books have become burdened with the enumeration of powers and privileges made over to the corporations. Many of these corporations never had an existence except in name. Others have long ceased to exist, or have been absorbed by rival corporations.

THE LAW OF 1874—ITS MERITS.

The so-called "Potter Law" is the result of a rather late awakening of the people, especially the producing population, to the important fact, that, while none of the railway companies by whom they were served were over-prosperous, yet some of them had long been indulging in certain acts of unjust partiality, and unreasonable charges which ought to be corrected, and that the constitution of the state afforded them the basis of an adequate legal remedy.

The chief merits of the law now in force are these:

1. *It is based on the principle of general, rather than specific legislation.*

Your commissioners have devoted much time to the investigation of the principle of legislation involved, and of the practical results of experience in this particular. We cannot commend that system of legal non-intervention, conspicuously illustrated in the legislation of a portion of the states, so far as it limits public control of corporate power solely to the influences of educated public opinion. But we are nevertheless forced to the conclusion that the equity

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and efficiency of all legislation upon this subject depend upon the enforcement of general principles of restraint rather than upon the prescription of arbitrary details, and that the most efficient supervision that can be exercised is that where intelligent remonstrance is permitted to precede a resort to actual force.

2. Maximum preferable to specific rates.

Our conclusion is partially illustrated by our own law, in so far as that law adopts maximum instead of fixed rates of fare and freight, and refers to the commissioners the propriety of modification within the limits of the law. The whole history of similar legislation demonstrates that this generalized method of restraining extortion and discrimination is more practicable and efficient, and less obnoxious than any other expedient; always presuming, however, that the standard of the law is sufficiently liberal and broad for all probable contingencies.

The reason of this conclusion is clear. It is impracticable for the state to assume the actual management of railroads, or to wisely determine the multitude of minor questions of policy constantly arising in this department of the public service. Surely there is no apology for the exercise on the part of the state of any power over corporations which can be safely and as wisely exercised by the corporations themselves. There is no principle of American government so thoroughly or so properly established, as that which limits the province of legislation, in all times and under all circumstances, to enactments for the general good, and which denies to government the right or the duty of unnecessary interference with private or public enterprise. In railway legislation this principle is entitled to as much respect as in case of any other legislation; and the first question to be determined is, the extent to which such legislation is necessary for the protection of the people, without unjust detriment to investments in corporate enterprises, and to individual discretion in their management.

3. It provides for correct information as the basis of future action.

The circumstance of an official position, like that of the present commissioners under this law, need not excuse us from all allusion to the great importance of the most careful and deliberate action in matters of so great moment—matters involving complex and extremely difficult questions of a somewhat technical and profes-

sioal character, as well as the fair name and future prosperity of the commonwealth. It was in full view of these responsibilities of the state that we commenced our labors; and it is but just to ourselves and to the interests we have undertaken to represent, that we express to the legislature in this connection our belief in the impossibility of a judicious final settlement of all those questions in a few months, or in a single year.

What the wisest men of many countries have been engaged upon for a whole generation, with but partial success, we can hardly hope to settle at once in Wisconsin. We should be nearer a solution than were any inquirers in the past, for the reason that we have the benefit of all past experience. But, even with this advantage, it is needful that our hope be tempered with much caution, and that we consider the commission as having but entered upon a series of prolonged and difficult labors.

FAULTS OF THE "POTTER LAW."

Probably the ablest opponents of the law would fail to make a case should they attempt to establish the fact of its responsibility for all the misfortunes and financial embarrassments which have overtaken the railroads of the whole country, or even of Wisconsin. For these are mainly due to quite other causes, as any unprejudiced mind may see—to general stagnation of business; to the financial troubles which of late have overtaken commercial enterprises in nearly all parts of the world; to the general unsoundness consequent on the freedom of speculation during recent years; and to the reaction from the mania for building roads, with but little regard to the real necessities of industry, which has come, at length, and more suddenly than was expected. Still, it cannot be denied that the law is really obnoxious to just criticism, even if the objects aimed at are allowed to be in themselves desirable. The more notable faults are these:

1. It bears heavily on the new roads.

In the consideration of this question, we are not to forget how much the present and future development of the state is dependent upon the construction of new and the extension of old lines of railway. And while we most earnestly urge such judicious legislation as shall protect the public and the owners of railway capital alike from the evils of mismanagement, we cannot appreciate the

merits of the existing law, in its enforcement of limitations upon the earnings of the new or incomplete Wisconsin lines. These lines now neither receive nor expect to receive any present return for their expenditure, by whatever standard of honesty or economy that expenditure is measured. The initiation and successful completion of these enterprises are vital to the progress of our commonwealth. Their projectors look to the future alone, for that compensation to which all capital is entitled for legitimate investment, and a wise and magnanimous people will not consciously consent to any violation of their equitable privileges. The present law is peculiarly and unquestionably oppressive and detrimental as to all roads of this kind. Reference to the statistics accompanying this report, will confirm and enforce this conclusion. The restrictions imposed not merely tend to delay the completion of lines already in operation, but without affording relief for any evident wrong, manifestly discourage or absolutely by paralyze all efforts for the development of further enterprise of the same character. Such modifications of the existing law should be made as, would relieve these lines of the burdens of which they now complain, without exempting them from such general supervision as would protect the public from the otherwise possible consequences of present or future mismanagement.

2. The law not sufficiently elastic.

As said before, we cannot, subscribe to the opinion that it is wise to attempt interference with the details of management. On the contrary, we regard the method of the present law, in the respects stated, as too arbitrary and unyielding. The limits of this report do not permit us to specify many considerations by which this conviction is enforced. One general fact in this place will illustrate many of a similar character. From August 20, 1873, to November 10, of the same year, the receipts of wheat in the Milwaukee market, mostly by rail, were about 12,000,000 bushels. From August 20, 1874, to November 10, of the same year, the receipts of wheat at Milwaukee were about 6,000,000 bushels only.

Whether the principle of the present law, in its method of regulating freights, is not obnoxious to the objections intimated, is a question of fact that deserves your serious consideration. Is it necessary, in order to protect the public from the evils of bad management or extortion, that the mutable, intricate and complicated

circumstances under which railways are operated, should be wholly ignored, and specific rates, especially of freight, be fixed by law? Obviously, the capital honestly invested in Wisconsin railways is entitled to fair compensation. Obviously, also, it is the duty of the state to protect the people from the payment of unreasonable or extortionate tolls. But does it follow from these premises that the state should prescribe those details of railway management, not necessarily relating immediately to the general object sought to be accomplished?

3. The law takes no account of short distances.

As the rates of charges now stand, the cost of a car-load of freight of any kind is the same for one mile and 49 miles. There is reason in making charges proportionally larger for very short than for considerable distances, inasmuch as the trouble of taking, switching and cutting off a car is the same in the two cases; still there is a little difference in the cost of hauling five miles and fifty miles, and, on the other hand, the due accommodation of shippers, and proper regard to the apparent as well as real equity in cases of this sort, have always influenced railway companies in fixing their tariffs, and should also be regarded by the state, if rates are to be determined at all.

4. The law fixes maxima for car loads only.

This provision is unjust in two ways: first to the shipper of quantities considerable in amount, but just short of a car load; secondly, to the larger shipper, the shipper of several car loads at a time. There seems to us no good reason why the commercial principle of lower prices at wholesale than at retail should not apply to the transportation of freight.

During the past season, we have received complaints from parties who were making regular shipments of quantities averaging about a car load, sometimes over, sometimes less, but who, when the quantity fell below a full car-load were always charged by the hundred pounds—the price being a sum considerably greater for less than a car-load than was charged for the full ten tons.

In all cases of deficient weight of freight ordinarily rated per car-load, the shipper should have his option as to whether he would pay by the car-load or by actual weight.

It is equally clear that a shipper who loads a whole train, and who, by shipment of hundreds, perhaps thousands, of car-loads annually,

is a main support of the company doing the work, should be entitled to somewhat lower rates than he who ships but one, two or three car-loads in several years.

5. The law treats connecting lines as continuous, but is silent as to division of earnings.

The difficulty of executing this provision of the law has been made manifest during the past season. A large proportion of the complaints made have related to the unwillingness of the companies to divide earnings upon an equitable basis.

The law provides that "in computing the rates for carrying any freights according to the provisions of this act, the distance for carrying such freight shall be computed from where it is received, notwithstanding it may pass from one railroad to another." This makes it necessary that the roads so connecting shall be treated as one line. But the section establishing the rates that may be charged allows for the first and second 25-mile hauls much the larger share of the earnings, leaving the several companies to equalize them in some manner. If the amounts of freight carried both ways over connecting lines were equal, the earnings would of course equalize themselves. But this is rarely or never the case. Should the out freights be great in excess of the in freights, upon a given road, it is apparent that such road would have the advantage in the proportion of first, as compared with second or third hauls.

Under ordinary circumstances, all such matters are settled somehow by the companies among themselves; but where the law imposing restrictions as to earnings is felt to press a little, it appears to be natural that the company having the worst of it should protest, and that the company having the best of it should be reluctant to divide equally.

In the cases above referred to, some of the companies have insisted that the commissioners should prescribe the rule of division, urging the provisions of section 5 as their authority for so doing. The commissioners have not understood this to be a part of their duties, however, and so these matters are still in dispute.

As to the terms proper to be fixed, the rule in common use in European countries, and, so far as we know, which the companies everywhere, being free to act, observe among themselves, is to make a *pro rata* division according to mileage, after deducting terminal and other charges, should there be other charges, not equally borne by the several parties to the joint service.

6. The law imposes duties impossible of accomplishment.

Under the old law of Wisconsin, not yet repealed, railroad companies are required to report to stockholders, in February, a statement of affairs for the year ending on the 31st day of December of the previous year, and a copy of this statement is required to be filed with the Secretary of State. Under the law of last year, the Railroad Commissioners are required to report, in January, a far more complete statement of railway affairs for the year ending on the 31st day of the preceding month. The incongruity and impracticability of the duty thus imposed upon the commissioners, admits of no explanation more charitable than that of undue haste and misapprehension in the enactment of the law.

7. The law inadequately provides for enforcement.

Experience has shown this to be a weak point—one responsible for much useless trouble to the public concerned, and entailing heavy aggregate expenses upon both people and companies. Trusting to this element of weakness in the law, the leading railway companies were at first regardless of its provisions; and it is safe to say that, but for the unusual course finally resorted to by the executive, the law would have been practically a useless instrument in the hands of the people.

It is now manifest, both from experience, and from the nature of the conditions, that any law seeking the ends proposed by the "Potter law" should not only be enforced by the state, and at the expense of the state, but that it should make adequate provision for enforcement through the agency of some branch of the state government duly authorized and required to commence prosecutions whenever the public interests require it.

The deficiencies of the law, as seen from the commissioners' present point of view, will appear from the discussions under the head of remedial measures.

REMEDIAL MEASURES.

The conditions which are to characterize the relative position of railroads and governments, seem already to be indicated. While experience everywhere has demonstrated the necessity of interposing public authority to protect the interests of the public, the char-

acter and extent of that interference is also clearly defined and established by the pre-existing character of the relations between people and governments.

In those foreign countries where the practice of the government is to manifest its authority by prompt and decided measures, crushing out at once the first indication of an opposing element, we find that the circumstances which developed the necessity for its interference with railroad corporations found ready response, and the strong arm of the superior power stretched forth to withhold, to regulate, to control, and finally possess, if deemed essential for the public interest. Such seems to have been the case in many continental European states, while in Great Britain the practice presents features more in harmony with the character of that government; and while no governmental ownership or control interferes or competes with citizens in their business enterprises, it at the same time exercises a regulating supervision intended to protect the public.

STATE OWNERSHIP INAPPLICABLE.

It is hardly worth while to give any extended consideration to what may be termed the "ownership theory." However practicable such a system may be under continental European governments, and within the limits of their national lines, it is obviously far less practicable in this country than even in Great Britain. While the public reports of Great Britain upon the subject of railroads, announce dissatisfaction at every method which had been attempted, yet they in nowise recommend the adoption of whole or partial ownership, considering it not in consonance with the spirit of that government.

Brief allusion to the main points of the ownership theory and the general principle tried in Great Britain, may perhaps serve to make apparent where the advantages or disadvantages lie.

The principal object ostensibly aimed at by the state control of railways is the regulation of charges; and the argument used in favor of state ownership is, that the state could regulate the charges not only of the road or roads that it owned, but also, by competition, regulate them upon others which the state did not own. This being the theory, ownership in Europe, wherever employed, is only partial, as will appear from the following tabular statement, showing the mileage of European railways owned and operated by

the state, operated by the state under contract, and owned and operated by corporations:

NAME OF COUNTRY.	Kilometres of govern- ment rail- road.	Kilometres of railroad operat'd by governm't.	Kilometres.	Kilometres foreign R. R. in bound- ary line.	Kilometres total.
Austria and Hungary.....	144	.....	7,878	79	8,051
Belgium	612	251	2,109	80	3,052
Denmark	497	.....	185	.....	682
France .....	.....	.....	16,952	2	16,954
Germany—					
Prussia	8,267	1,664	4,855	188	9,924
Bavaria.....	1,472	273	908	9	2,662
Wurtemberg.....	946	.....	7	11	964
Saxony	717	58	235	39	1,049
Mecklenburg	116	.....	145	81	342
Oldenburg.....	71	.....	.....	103	174
Hesse-Darmstadt	55	.....	298	84	437
Baden	750	46	.....	76	872
Brunswick.....	.....	210	.....	21	231
Saxony (Duchess) .....	.....	.....	193	146	339
Anhalt.....	13	.....	.....	158	171
Reuss	9	.....	.....	.....	.....
Schaumburg-Lippe.....	25	.....	.....	.....	25
Schwarzburg-Sondershausen .....	.....	.....	.....	35	35
Free cities.....	2	.....	20	50	72
Great Britain—					
England .....	.....	.....	17,658	.....	17,658
Scotland.....	.....	.....	3,857	.....	3,857
Ireland .....	.....	.....	3,250	.....	3,250
Holland	781	.....	597	152	1,480
Italy.....	.....	.....	5,772	.....	5,772
Portugal.....	.....	.....	694	.....	694
Russia.....	1,390	.....	6,284	.....	7,674
Spain.....	.....	.....	5,407	.....	5,407
Sweden and Norway—					
Sweden.....	1,117	.....	650	.....	} 2,186
Norway	298	68	.....	.....
Switzerland.....	71	.....	1,251	58	1,380
Turkey.....	.....	.....	289	.....	.....
Roumania .....	.....	.....	122	103	225
Greece.....	.....	.....	10	.....	10
Totals	12,303	2,570	79,571	1,425	95,565

Setting aside the question as to what number of roads, or number of miles of roads, a state or nation should own to give practical effect to the theory, we are brought to consider what rule is to govern the state itself in determining charges. The testimony seems to be that national roads are not run as economically as private ones, and certainly the actual cost cannot be less.

There is no design to subject competing railroad corporations to loss, nor would the government desire to run its own trains at a

loss; we must therefore conclude that the charges fixed would be such as would afford a fair per centage of profit upon the capital invested. Now, in owning a road and running it, the government is necessarily put in possession of positive facts as a basis to enable it to regulate charges. Granting that the power to establish rates is inherent in the state, and that for no other purpose does the state undertake the business of railroading, we are led to the conclusion that this actual ownership is necessitated for the purpose of arriving at the facts by which to regulate charges. Is this so? Are there no other relations between railway corporations and governments which are proposed to be remedied by state ownership, looking to the protection of the public, and which are assumed to be beyond the control of legislative enactment? If not, the inquiry is reduced to the simple one named,—the regulation of charges.

A committee of investigation in England reports that "it is difficult to provide any fixed or self-acting rules which will, through the medium of self-interest, or of the ordinary action of law, do what is necessary to protect the public."

These conclusions do not appear to have been considered as a final bar to experiment, as the commissioner system was at the same time recommended and is now on trial in that country.

The very able reports of the Massachusetts Commissioners, however, take a rather positive position in this respect, and advance and advocate the theory that a "natural law of political evolution governing transportation by rail may now be formulated."

This theory assumes that the practice adopted in Europe, of control through state ownership, is the final result of "natural law."

The different phases of experience through which this ultimatum is reached, are presented as being—

- 1st. Non-interference of government.
- 2d. Legislative regulation.
- 3d. Executive supervision.
- 4th. State ownership.

The condition of state ownership being held to be the inevitable result which will be reached; and it is assumed to have "been more clearly illustrated in the experience of America than in that of any other single country." We think that further experience will prove the fallacy of the conclusions set forth, or we shall also be constrained to admit that the same "natural law" would oblige government to conform itself to suit the requirements of railroads.

As already stated, the investigations in England have not led to the adoption of this theory, and the objections which apply in that country exist to a much greater degree in the United States.

Executive supervision, or the commissioner system, seems now more likely to lead to the establishment of conditions approximating non-interference than state ownership.

Agreeing that the law, as it stands, is not an adequate remedy for the evils it was intended to cure, and that state ownership cannot be adopted as a remedy, we come now to consider such measures as do commend themselves to our attention.

RAILWAY COMPETITION TO SOME EXTENT AVAILABLE.

That competition between railway companies is not of itself a sufficient reliance has been fully shown; as also that it has been long since abandoned throughout the world. It is, nevertheless, everywhere operative to some extent, and under favorable circumstances may be employed with advantage; e. g.: where two great corporations forbidden to consolidate are yet so located and otherwise circumstanced as to be natural competitors.

As has been the case so often in the past, they may weary of the contest, from time to time, and come to an agreement as to rates. But if they are really natural competitors, they will at least compete as to facilities and accommodations.

WATER-ROUTES A PERMANENT THOUGH PARTIAL RESTRAINT.

All experience in every country testifies to the truth of the above statement. It is also a teaching of experience, now confirmed by every authority on transportation, that the influence of water-routes extends far beyond the regions of country immediately bordering on their lines.

In 1872, persons considered competent authority, stated before the British Joint Select Committee on Railroad Amalgamations, that sea competition had the effect to lower the tariff rates at about three-fifths of all the railway stations in the United Kingdom.

In this country, the influence of lake and river competition is felt at long distances. Indeed, there is little doubt but that the great chain of lakes affording, in connection with the Erie Canal and the Hudson river, water communication between the sea board and the northwestern states, save, and will always continue to save

millions of dollars annually to this great grain producing section of our country.

The relative economy of transportation by water and by rail, respectively, is well illustrated by the following statement taken from the report of the Senate, Committee on Transportation to the Seaboard;* showing, as it does the distance that wheat and corn will bear transportation by land and by water:

	CANAL CARRIAGE.		RAILROAD CARRIAGE.		COMMON RO'D CARRIAGE.	
	Wheat.	Corn.	Wheat.	Corn.	Wheat.	Corn.
Value at market	\$49.50	\$24.75	\$49.50	\$24.75	\$49.50	\$24.75
10 miles from market.	49.45	24.70	49.35	24.60	48.00	23.25
20 .....do	49.40	25.65	49.20	24.45	46.50	21.75
30 .....do	49.35	24.60	49.05	24.30	45.00	20.25
40 .....do	49.30	24.55	48.90	24.15	43.50	18.75
50 .....do	49.25	24.50	48.75	24.00	42.00	17.25
60 .....do	49.20	24.45	48.60	23.85	40.50	15.75
70 .....do	49.15	24.40	48.45	23.70	39.00	14.75
80 .....do	49.10	24.35	48.30	23.55	37.50	14.25
90 .....do	48.05	24.30	48.15	23.30	36.00	11.25
100 .....do	48.00	24.25	48.00	23.25	34.50	9.75
110 .....do	47.95	24.20	47.85	23.10	33.00	8.25
120 .....do	47.90	24.15	47.70	22.95	31.50	6.75
130 .....do	47.85	24.10	47.55	22.80	30.00	5.25
140 .....do	47.80	24.05	47.40	22.65	28.50	3.75
150 .....do	47.75	24.00	47.25	22.50	27.00	2.25
160 .....do	47.70	23.95	47.10	22.35	25.50	.75
170 .....do	47.65	23.90	46.95	22.20	24.00	.. ..
320 .....do	46.90	23.20	44.70	19.95	1.50	.....
330 .....do	46.85	23.15	44.55	19.80	.....	.....
340 .....do	46.80	23.10	44.40	19.65	.....	.....
350 .....do	46.75	23.05	44.25	19.50	.....	.....
1,000 .....do	44.50	19.75	34.50	9.75	.....	.....
1,650 .....do	41.25	16.50	24.75	.....	.....	.....
1,980 .....do	39.50	14.85	19.80	.....	.....	.....
3,300 .....do	33.00	8.25	.....	.....	.....	.....
4,950 .....do	24.75	.....	.....	.....	.....	.....
5,940 .....do	19.80	.....	.....	.....	.....	.....

* Testimony of B.J. Stevens, Esq.

The direct influence of water lines of transportation on railway transportation is well illustrated by the following statement from the report of the Senate Committee, showing the difference between summer rates and winter rates by rail:

AVERAGE monthly freight charges per bushel on wheat from Milwaukee and Chicago to New York by water (lakes, Erie canal and Hudson river), by lake and rail (lake to Buffalo and thence all rail to New York), and by all rail 1870 to 1872 inclusive.

MONTH.	YEAR.								
	1870.			1871.			1872.		
	All Water.	Lake and Rail.	All Rail.	All Water.	Lake and Rail.	All Rail.	All Water.	Lake and Rail.	All Rail.
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.		Cts.	Cts.
January			43			39			39
February			43			39			39
March			36			30			36
April		22	30		22	27			30
May	16	20	27	16	21	27		25	27
June	16	21	27	16	21	24		26	27
July	15	20	27	16	22	27		23	27
August	15	20	27	16	24	30		23	27
September	15	23	30	23	26	33		24	33
October	21	25	36	27	32	39		37	39
November	20	29	39	25	32	39		38	39
December			39			39			39
Average	17.5		33.8	21.6	22.8	31.0	24.5	28.8	33.5

"During the year 1872 the "all-rail" rates were 24.5 per cent. higher than the "all-water" rates, the "lake-and-rail" rates were 7 per cent. higher than the "all-water" rates, and the "all-rail" rates were 16.3 per cent. higher than the "lake-and-rail" rates.

"The average summer rail rate for 1872 (May, June, July, August, September, October and November), was 31½ cents, and the average winter rail rates in 1872 (December, January, February, March and April), was 36¾ cents, the average winter rate being 16 per cent. higher than the average summer rates. By comparing the "all-rail" rates for the months of June, July and August with the "all-rail" rates for December, January and February, we obtain a more accurate expression of the effect of ample water facilities in competition equally ample rail facilities. The average "all-rail" rate during the three months just named was 27 cents, and the average of the winter months was 39

cents, the winter average being 44.4 per cent. higher than the summer average, when the competition of water transport was in full force. It may be supposed that the increase in the rail rates during the winter months is caused by the increased cost of transport during that season of the year, but this is true only to a very limited extent. The chief cause of this is the absence of competition by lake and canal. This is evident from the fact that although the cost of transportation by rail is not greater in October and November than in June and July, yet the average of the rates during the former months is 44.4 per cent. higher than the average of the rates during the latter months. The pressure of traffic during the months of October and November, where the facilities for transport by water are limited, in connection with the fact that the Erie Canal is at that time taxed to its utmost capacity, causes an advance in the rates on the lake and on the canal, and the rail rates at once go up to about the average for the winter months."

In view of the foregoing, and of a multitude of other facts, which it is not important to quote, it must be apparent that the true policy of the state is to encourage the improvement and efficiency of all feasible water routes, both within our own state and between the western states and the seaboard.

STATE SUPERVISION NOT FULLY TESTED.

We have already expressed the opinion that for this country, and certainly for our own state, executive supervision of transportation matters is the best, if not indeed the only, practical method. We admit that it has not yet been so tested in the United States that its success can be considered as fully established; but the facts that it bears the test of reason, and that it has succeeded well elsewhere, under circumstances like our own, are warrant for the conclusion that it will succeed here also—not in just the form in which it has been applied in the European states, but in a form consonant with American ideas and institutions, as well as with the nature of the case and the conditions involved.

It must be admitted by us that in the one or two instances in which state supervision has been attempted in other states, the result has not been all that was hoped. But, on the other hand, it must be admitted by any who deny its practicability, that there has as yet, been no complete trial of it anywhere in this country. Even in England, where the Parliament, the government, and the public agree as to its being the only feasible plan of holding the railway corporations to a proper accountability, its resources have not been fully brought out.

MANNER OF EXERCISING STATE SUPERVISION.

Having thus disposed of the question of form of state interference in the affairs of railway companies, we come now to a consideration of the way in which state supervision should be applied. It is a fundamental principle of free government that there should be in all cases as little interference as possible with the rights and privileges of the citizen, whether in his individual or associate capacity. And accordingly, in devising any plan for the supervision of railroad corporations, the aim should be to leave them the largest freedom of action compatible with a proper security of the public interests.

WHOLESOME RESTRAINTS BY GENERAL ENACTMENT.

Acting upon this principle, and believing that the state does not possess, and never can possess the necessary foresight and knowledge of the ever shifting conditions upon which railway earnings depend, to enable it to prescribe details of management by statute, we believe it may and should determine the general conditions of both organization and management. In addition to legislation against discrimination, as already suggested, the legislature may most practically fix a maximum of aggregate earnings, and possibly of gross operating expenditure upon a definite investment. In this respect the state may accomplish all that it deems best to accomplish, and all that the scope of its duties or the interests of the public require in this regard, by general enactments.

It is suggested that laws thus framed, limiting without endangering the rewards of capital, protecting without jeopardizing the public interest in railway enterprise, its administration subject to the immediate supervision and in some degree to the discretion of the railway commissioners, would be most likely to combine all the wholesome restraints claimed for an enlightened public opinion, with the more efficient restraints of positive law.

It is practicable to limit railway charges by law in one of two ways: either by establishing a direct limitation of rates, or by fixing a limitation of profits.

1. Direct limitation of charges—Maximum rates fairly determined.

It is manifest that if maximum rates are to afford the public any real security, and yet not do the companies injustice, they can

only be determined with great care, and upon a correct basis. A few words on both these points; and first of the basis:

Rates not determinable on the basis of actual cost.—Before dismissing this branch of the subject, permit us to call your attention to the fact that no experience, either in Europe or in this country, has demonstrated the utility of attempts to determine the actual value of railroad property upon the basis of actual cash expenditure in the course of construction. In addition to the difficulties attending the question, already enumerated, it must be remembered that no railroad, especially in the United States, is ever fully and perfectly completed; that under the present financial system of railway management, no capital account is finally closed. The rolling stock and bed of every railroad, however apparently complete in its original character, demands and receives continuous additions and improvements. This is a law of railroad enterprise as inexorable as the immutable law of progress. The safety of human life and every public interest demand a recognition of this law, and a continuous increase of total investment from the beginning—the new taking the place of the old, multiplying the capital account and enhancing the value of the resulting product. A comparison of the present condition of any of the older lines of railway in Wisconsin with their condition at the date of their completion, or of any old line with any old line of road recently constructed, will illustrate this principle of inevitable and legitimate progress in cost.

Again, the question presents itself, is actual cost in this case, or in any case, the just measure of value, and the appropriate basis of restrictive legislation?

Governments do not tax property upon the basis of actual cost, but rather upon that of existing money value. The courts deal with property—including railroad property—upon a similar principle, ignoring actual cost. Every individual estimates his property, also, in accordance with its marketable value. The question has been raised, whether there is any sufficiently good reason for a change of the universal rule in the case of railroad property. One railway company constructs its road by extravagant expenditure, while another company proceeds economically. The rule of the existing law in such a case necessarily rewards the one company for the vice of prodigality and punishes the other for the virtue of wisdom and prudence. It is not denied that a railway company is the absolute owner of the visible

material employed in the construction and operation of its road. Should the company be denied the right of any increased value of those materials in the market, or be exempt from the burdens justly consequent upon their depreciation? This question should have careful consideration.

To deal with railroad property upon the basis of actual cost, furthermore, involves a solution of the question, whether losses, discounts, donations, purchases on foreclosure, and kindred facts in railway management and transfer, are to be included in the calculation? It is the unquestioned fact, as to all ordinary business transactions, that an unavoidable sacrifice on securities is to be accounted as a portion of actual cost, and so entered upon capital account. But this rule cannot be equitably and safely adopted by the state, in any determination of the relation of the public to railways. In the construction of the Milwaukee and Prairie du Chien road, about one-third of the entire resources of the original company were sacrificed during the progress of the work. It is not to be presumed that the legislature intended that this and similar sacrifices should be included in any estimate of actual cost. And yet a large proportion of the original expenditure and capital of nearly all railroad companies consists of similar elements, so intricately concerned in the expense of construction, equipment and improvement, as to defy all attempts at elimination.

Nor by the railway method of computing cost.—The practice of the railway companies themselves is to add total debt to total capital stock, the sum representing total cost. The state cannot be expected to adopt this simple rule, for the reason that the exercise of the power of the state as to investment and earnings implies a question as to every statement of cost thus ascertained, and for the still better reason that it affords us no reliable measure of value.

Nor on basis of market value of stock and bonds.—An estimate based wholly upon the market value of stock and bonds is equally unreliable and fallacious. A value thus indicated is constantly fluctuating, and depends less upon the amount invested than upon the condition of the money market, the spirit of speculation, and incidental circumstances bearing no direct relation to the actual cost and value of the visible property.

Value determined by appraisal.—These considerations point to

but one conclusion, namely: that railway property in its relations to government should be placed upon the same basis as other property, and its value be determined from year to year by an actual appraisal. In the opinion of the commissioners, this method of estimate is more practicable, more just in principle, and more likely to prove satisfactory and acceptable to all interests concerned. In the determination of the value of railway property upon this basis, original cost, capital and debt, the market value of stock and bonds, and especially the market value of labor and materials at any given period of time, all become important elements in the calculation. If the correctness of this method should be admitted, the fact to be first determined in the endeavor to ascertain the net profits to which a railroad company is equitably entitled, would be the actual existing value of the property; in other words, the actual cash cost of reproducing the same property.

Under this system of estimate, the appraisal of one year becomes the basis of succeeding appraisals, additions and subtractions being made for previous errors of fact and judgment, and also for new construction, improvement or depreciation, actually ascertained for any current year. In this manner an appraisal ultimately becomes the result of cumulative judgment and investigation, and is not likely to differ largely from an equitable accuracy.

Legislative limitations of appraisal.—Should a modification in the principle of the existing law as to the valuation of railway property be deemed wise by the present legislature, the legislature itself might, and undoubtedly should, determine the conditions upon which the board of commissioners should fix the appraisal of the different branches of our railway system. Furthermore, the commissioners should be enabled to avoid even the appearance of partiality by the occasional employment of a practical engineer, for the revision of estimates made.

DIRECT LIMITATIONS UPON RATES OF FARE.

In the expression of these views, we have referred more specifically to the legislative restrictions upon the practical details of railway management, including rates of charge for freight. We are not prepared to assert that the determination of maximum rates of fare by legislative enactment is liable to equal objection. The cost of transporting passengers on a given route is more equal and

uniform, and the reasons for variation of price correspondingly less. It is true that speed, total distance, and the grade of accommodations furnished, are causes of variation in cost. But in our own state the incidents of passenger travel on any single line, approximate a common standard, and more justly permit the application of a uniform or pro rata charge. At the time of writing this report, we cannot speak definitely as to the operation of the Wisconsin law in this particular, but elsewhere the principle of maximum passenger rates has been enforced with entire success, and we have seen no positive evidence of evil results from the application of this principle in Wisconsin. While permitting competition, its tendency is to increase travel and simplify management. It certainly gives that certainty to the expenses of travel, which business men, and particularly all people of moderate incomes, earnestly appreciate. Capitalists largely interested in railway property have not hesitated to commend this method of cheapening, simplifying and popularizing railway travel, even as a source of profit to the owners of roads, and the experiment ought not to be inconsiderately abandoned.

The policy of cheap fares is further sustained by the experience of European countries. For it is acknowledged that the low rates, now almost universal on the continent, pay better than higher rates used to, or would now, if enforced, saying nothing of the gains to society and to the individual by facilitating travel.

The following table, giving the average fares by the different classes of coaches, in several European countries, will be both useful and interesting in this connection:

Foreign Passenger Fares.

Countries.	EXPRESS.	ORDINARY TRAINS.			
	1st Class.	1st Class.	2d Class.	3d Class.	4th Class.
	Cts.	Cts.	Cts.	Cts.	Cts.
England ...	4.86 to 6.14	3.40 to 5.10	2.60 to 3.50	2.00 to 3.00	.....
France .....	.....	2.00 to 3.48	1.66 to 2.60	1.66 to 1.92	.....
Prussia	3.88 to 4.12	3.08 to 3.12	2.24 to 2.34	1.58 to 1.72	0.78 to 0.86
Cent. Ger'y.	2.72 to 3.94	2.58 to 3.16	1.68 to 2.30	1.12 to 1.52	.....
South. Ger.	3.20 to 3.15	2.68 to 3.14	1.79 to 2.30	1.18 to 1.44	.....
Austria	4.00 to 4.50	3.70 to 3.76	2.80	1.88 .....	.....
Italy	3.40 to 3.74	2.38 to 2.60	1.86 to 2.08	.....	.....

Cheap passenger trains.—The parliamentary or two-cents-a-mile trains of England were at first only kept running by coercive means. Now, however, they are run as a matter of economy—the large receipts from the cheap trains affording abundant reason for putting them upon roads not compelled to run them at all.

The relative proportion of the persons who travel 1st, 2d and 3d class in England, will appear from the table below.

STATEMENT showing total number of passengers conveyed in 1st, 2d and 3d class trains on the railways of England and Wales, in the year 1870 ; also the receipts for passengers of each class :

	1st class.	2d class.	3d class and Parliamentary.	Total.
Number passengers.....	27,004,886	66,786,823	194,891,712	288,632,921
Receipts from passengers	£3,329,681	£4,364,533	£6,177,280	£14,470,964
Rec's from season tickets				599,520

The proportion of passenger receipts drawn from the use of the coaches of each of the several classes respectively, is shown in the following statement:*

STATEMENT showing the proportion per cent. of passengers traveling by 1st, 2d and 3d class cars in Great Britain ; also the proportion per cent. of receipts derived from 1st, 2d and 3d class tickets ; also the proportion per cent. of passenger and freight receipts.

COUNTRY.	Proportion per ct. of No. of passengers.			Proportion per ct. of receipts from passengers.				Prop. per ct. of freight and passenger receipts.	
	1st class.	2d class.	3d class.	1st class.	2d class.	3d class.	Seas'n ticket hold's	Pass. traffic.	Fr't. traffic.
England and Wales	12.67	29.84	57.49	26.87	34.68	36.80	2.65	46.78	53.22
Scotland	13.12	10.73	76.15	25.92	14.50	57.19	2.89	38.45	61.55
Ireland.....	18.82	31.24	55.44	25.03	32.27	40.87	2.33	62.05	37.95
United Kingdom.....	12.74	28.09	59.17	26.24	32.72	38.48	2.60	46.61	53.39

Fares for long and for short distances.—A careful examination of this subject has satisfied us that the difference in the rate for long and short distances is often without due regard to the principles that ought to determine their relation to each other.

*From the report of the English Parliamentary Committee of Inquiry, 1872.

The train being the same in the two cases, it is, of course, right that the purchaser of a short distance ticket should pay more proportionally than a purchaser of a through ticket; but the difference should not be arbitrarily fixed.

A fair method would be to treat the cost per mile of carrying as being the same regardless of distance, the train being once under headway, and then to add to it the cost of checking up and starting—where the train need not of necessity stop either for wood or water, or for the comfort of the through passengers—and also the difference justly chargeable for the use of the stations, and the printing and selling the requisite tickets.

Where, however, the through train is a fast train, with more elegant and comfortable coaches, and the accommodation train is composed of inferior cars, and run at a slower rate of speed, due regard should be had to the saving made in the case of the slow accommodation train, and to the greater cost of equipment and greater damage done to track and rolling stock by the fast through train.

Where the traffic has a wholesale character, as is often the case between large cities and neighboring villages, rates will very properly bear a further reduction, and perhaps assume the character of commutation or season rates.

It is believed that due regard to these principles, as well as to the practicability of greatly increasing a passenger traffic in many cases by special inducements, the railway companies would better accommodate the public, and undoubtedly increase their own profits.

INDIRECT LIMITATION OF CHARGES BY LIMITATION OF PROFITS.

On account of the difficulty of fixing even maximum rates that will be just to both people and corporations, it has been suggested that the state might determine some definite per cent. on the capital invested that shall be considered the maximum profit.

It has been noticed that in several countries of the old world, both maximum rates and a maximum of profit are established; the maximum rates being changed from time to time, so as to keep the profits down to the allowable point. Should maxima be adopted, it would be imperative, as a matter of prudence and justice, that the rates should be most carefully determined after a full and thorough investigation of all matters essen-

tial to the proper discharge of that difficult duty, and that, for the meantime, as a matter of prudence, if not justice, the railroad companies should be allowed entire freedom as to freight charges, except as to the restrictions hereinafter mentioned and the further simple provision that they shall not charge higher rates than those they were actually charging on a certain date, say June 1, 1873.

But the plan more especially referred to above, is different from this; being, namely, to leave the matter of rates of charges for transportation of freight wholly to the companies, turning the surplus into the public treasury. To this plan there are some serious objections:

First—The tendency of such a system would be to induce a covering up of real 'profits, or the charging to capital what correct principles require should be charged to net earnings.

Secondly—In the case of companies able to earn the maximum of profit, the effect of an absolute limit would be to remove one of the most powerful incentives to economy, and, in that degree, to lead to extravagance in expenditures.

Thirdly—It would tend to encourage an increase of capital stock, no matter what the restraints put upon the practice of "watering."

Fourthly—Even if these objections could be overcome, and the whole possible surplus of profits could be turned into the public treasury, there would still remain this further objection, namely, that to the extent of a large proportion of the surplus, the state would be imposing a tax upon productive industry, compelling the productive classes, through payment of excessive charges, to bear more than their share of the public burdens.

Another method of applying the principle of limitation of profits, and a less objectionable one, would be, to fix a somewhat lower maximum of profit and provide for a division, as in France, of the surplus, between the state and the companies. This would also be open to the objection last above named, but would have the advantage of leaving to the companies a pecuniary inducement to economy after the maximum had been reached.

The most of these objections would be removed were a limitation of profits accompanied by an appraisal of actual property, as suggested and discussed in another part of this report.

PUBLICITY OF RATES OF FREIGHT.

Of great practical importance in this connection would

be the enactment of stringent provisions of law requiring a greater publicity of rates of freight, together with sufficient previous notice of changes in rates. The commissioners are of opinion that the adoption of such a requirement would not only prove beneficial to the public, but also to the companies. Under a system of practical secrecy in charges, favoritism is the necessary rule, and every shipper is inclined to demand proof from the company of that partiality to himself which he knows is claimed and obtained by others. The interests of business, moreover, demand certainty and uniformity in current expenditure, and no man with personal credit and fortune at stake ought to be subject either to the caprice or partiality of public agents. Whatever the rate demanded for any class of freight, that rate should be equal to all under the same circumstances, and be definitely known to all, and none should be subject to the loss or annoyance of changes in that rate without an allowance of sufficient opportunity to accommodate his business to the exigency. The enforcement of such a regulation, furthermore, would necessarily go far toward removing public suspicion of speculative management on the part of the directors and agents; and if accompanied by accurate reports of business done, under its proper classification, would strongly tend to extinguish any just cause of complaint on this account.

Publicity of rates is nearly or quite universal in continental Europe, and is likely to become so in England also, if we may judge by the vigorous manner in which the necessity for publicity is urged by the Joint Select Committee of 1872, who say:

“ Passenger fares are comparatively simple, and the companies are now required to exhibit at each station a list of all the fares from that station to every place for which tickets are there issued. But with rates for goods it is very different. There are distinctions of all sorts. There are the rates to each station on the company's own line; there are the rates to every station on the lines of every other company to which the company books (or ships); and those rates will vary according to the arrangements made by the company with every other company over whose lines the goods are carried. There are the seven or eight classes of goods for which the company charge different rates. There are the equal mileage charges where the principle of equal mileage is adopted, and the special rates charged in the more numerous cases, where sea or other competition induces the company to charge special rates. And there are the numerous cases still less reducible to principles or rules capable of general statement, where the companies, in consideration of large and constant custom, or for other reasons, make especially favorable bargains with particular traders.” * * * * *

"On the other hand, the case of the public against the railway companies is a very strong one. They are monopolists who are unlimited in their charges, except by the parliamentary maximum, and who are restricted by no definite limit whatever as regards terminal charges; which two charges they mix up together, and under the present system they do not separate them. They are practically under no restriction except that of their own interest, which may not be the same as that of the public; they claim and exercise the right to vary their charges to any extent they please within the parliamentary maximum; to favor one place, or one description of trade at the expense of another; to charge high rates for short distances and low rates for long distances; or to charge two different rates for the same service, if they think it to their interest to do so. And they not only claim to exercise all these powers, but they refuse to tell the public how they exercise them, or why they exercise them.

"It is not surprising, under these circumstances, that there should be discontent and suspicion, even though there may be no real ground for it; and if the companies should become rich and prosperous, this discontent and suspicion may be aggravated to such an extent as to become dangerous to them. If they are dealing fairly, it is to their interest to court observation and criticism, and to give to the public all possible information about their charges and their reasons for making them." * *

"Under these circumstances, the committee are of the opinion that the recommendation of the Royal Commission should be adopted; that every company should be compelled to keep at every station a book of all the rates, including special contracts chargeable at that station, and distinguishing terminals from mileage rates; that no rate should be legally chargeable unless first entered in this book, and that this book should always be accessible to the public."

GREATER STABILITY OF RATES.

We are unable to learn any sufficient reason why rates, when left to the discretion of railroad companies, are so fluctuating. It is easy to see that with freedom to make just discriminations, such as they ought to have, all rates cannot be permanent, or even fixed for an entire season, perhaps. But why should there be such fluctuations in the rates on staple articles of transportation, where the rates are not special but general? And if fluctuation be necessary, why should they come so frequently and so irregularly that the producer and shipper are utterly unable to make their calculations with any certainty? There are, doubtless, private reasons, or supposed reasons, but they can hardly be of so much importance to the railroad companies as a greater stability of rates is to the public.

As these matters are managed at present, every dealer in grain

or produce of any sort, must make an extra charge to cover the contingency of a rise in the rates of transportation before he can get his purchase into the hands of the consignee; and so the producers are constantly receiving less than its real value for what they sell, and the consumer is paying more. Nor is it any better for the middle-man, unless he be so fortunate as to have special relations with the transportation companies who handle his shipments.

TIMELY NOTICE OF PROPOSED CHANGES OF RATES.

To obviate the embarrassments just referred to, and incidentally to prevent one very common means of discriminating in favor of particular traders and localities, every railway company should be required to give timely notice of proposed changes as a condition of the legality and collectibility of the new rates. And the notification should be made in such form and manner, moreover as would give to all persons using the stations and lines an equal opportunity to know of the change.

In most other countries such an obligation has long been imposed; the length of notice varying from one month to six months.

UNIFORMITY IN CLASSIFICATION OF FREIGHTS.

Allusion has already been made to this subject in the earlier portion of this report, and to the purpose of the railroad commissioners of this and the neighboring states to encourage the adoption of a system of classification more uniform for at least the northwestern states.

Uniformity in the classification of articles of freight is hardly more important to the shipper than it is to the railway company. For where each company has its own classification, it is less convenient determining what the charge should be over two or more lines. Uniformity throughout the state is very desirable, and we can see no sufficient reason why greater uniformity throughout the whole country would not be a matter of great convenience.

The remarks already made touching the determination of passenger rates apply equally in general terms to freight rates. For many of the classifications of articles of freight appear to have been in good degree an arbitrary creation—to have been formed without regard to either usual quantity, risk of carrying, convenience of handling, or other discoverable consideration.

In many cases, moreover, the classifications are too rigid for the

proper convenience of shippers in the matter of quantity. There should at least be some general rule for making a reasonable deduction where a car is loaded, even though it be with an article not usually ordered by the car load. For example, why should a manufacturer of wagons be forced to pay \$120 for hauling a car loaded with steel and bar iron, instead of \$40, the price for hauling a car load of pig iron or lead? By reason of the superior value of the steel and iron he could afford to pay something more for the hauling perhaps; but the difference between a car-load of pig, in a special class, and ten tons of bar-iron, rated in a general class by the 100 pounds, is too great for the encouragement of this manufacturing industry.

INTERCHANGE OF TRAFFIC.

It is certainly of great importance that each railroad company should be able to give a through rate to any point on any other company's road. It should also have the right, where lines connect or gauge of track does not prevent, to send such freight through without transshipment, by paying for use of track and hauling of his car or cars.

This could be done under the law as it stands, if provision were made for a division of earnings, so that quarrels between companies would not arise on account of inequality.

PROHIBITION OF UNJUST DISCRIMINATION.

Manifestly, a very large proportion of the evils connected with railway management, arise from discriminative charges. But this fact does not prove the propriety of an exact uniformity of tolls under all circumstances. The existing law clearly recognizes a broad distinction between the cost of transporting one class of freight and another. It also recognizes a difference in the value of service performed, based upon the distance of transportation. Under the law, grain is charged one rate and lumber another, and the rate of either is greater for the first twenty-five miles than for the second twenty-five miles. In principle these discriminations are just. But by what rule are discriminations denied in other cases, when equally founded upon principles of equity or necessity?

The actual cost of railway transportation depends upon a vast number of peculiar and constantly varying conditions. In the transportation of freight, value of track and equipment, grade of

road, speed of trains, distance of carriage, bulk of business, risks incurred and the earnings of return trains, all relate immediately to the question of cost. Some classes of freight must be transported speedily, or its value is lost or depreciated. Other classes require special protection from the accidents of breakage, leakage or fire. On one road, freights can be carried with safety and rapidity, and all the equipment of the company is in constant use in both directions. On another road, the service is inadequate, or freight is taken at cheap rates in otherwise empty cars, or empty cars must be sent a long distance to transport freight one way only. The cost of transportation in winter is greater than in summer. During one year the avenues of commerce are poorly patronized, and the sources of trade inert, while in another year business activity demands extraordinary expenditure of money and energy. These illustrations of varying cost according to varying circumstances, might be extended profitably so as to include the relations of various points of traffic to railway cost, including all the exigencies arising from competition with rival routes by rail and water. As a matter of fact, there are sections of railroad lines in this state which would become practically worthless were their managers denied the exercise of a large degree of discretion in securing business.

We argue from facts like these, that an exercise of the power of discrimination cannot be profitably measured and defined by a fixed rule of law. But we do not conclude, therefore, that manifest evils of discrimination cannot be materially mitigated, or even wholly abrogated, under the direction of public authority. Admitting the necessity of discrimination, we do not admit the necessity of unjust discrimination. Under precisely the same circumstances, all men are entitled to the same service for the same price, and violations of this general principle ought not to be tolerated or excused. Doubtless many complaints of discrimination are without just foundation. Doubtless, also, many, if not most of the actual grievances suffered by community from selfish railway management might be averted through the informal intervention of intelligent public authority. Under all circumstances, the right of appeal, the influences of public opinion and the duty of arbitration, the last fortified with a limited but undoubted power of legal control, are important sources of public relief, if not of complete reform. To this end, the powers of the commissioners to hear and determine

complaints, and to remedy injustice and extortion, on the application of parties aggrieved should be ample and complete.

CONNECTION OF PASSENGER TRAINS.

One of the greatest embarrassments to comfortable traveling in this country is the frequency of failure to make connection, in passing from one line on to another. In this way much time is often lost and the most important business plans are defeated. Of course it is not possible for the companies to make close running connections between all the trains at points of intersection. But it is altogether proper that they should be required to do so whenever it is practicable; and of this the state authorities should judge after a proper investigation. If such a regulation were enforced it would redound to the advantage of the companies, by removing one source of irritation to the traveling public, even though something were lost by allowing passengers to select their route according to their own convenience, instead of in harmony with the selfish plans of conflicting corporations.

In the enforcement of a law requiring connections to be made the commissioners should be governed by principles like those laid down in the case of *Barrett vs. Great Northern and Midland Railway Companies* (England), wherein the court held that:

"In such case it is not necessary (sufficient) to show an individual grievance, but it is quite clear that a case must be made out of *public inconvenience*."

PUNCTUALITY IN THE RUNNING OF TRAINS.

Upon this subject we have remarked at considerable length under the head of "Evils of Railway Management." We know of no way in which it can be certainly corrected by legislative enactment, unless the companies are required to guarantee punctuality; the passenger being enabled to recover summarily in case of delay. Such laws are in force, to some extent elsewhere, but are less applicable in a new country like ours, where accidents are necessarily more frequent on account of inferiority of roads, and where delays are dependent to a good degree upon the fact that an accident to a single train is liable to delay many others. If our roads were all provided with double, instead of single, tracks, one very important element of unpunctuality would be removed. That it is an evil almost exceptional with us, may be inferred from the fact that one

may travel several times all over Europe without a single failure to connect, while in this country one scarcely hopes to get from the west to the east, or *vice versa*, without being delayed at some point on the way.

INCREASED RESPONSIBILITY FOR INJURIES AND DESTRUCTION OF LIFE.

In this and other states, the law makes railroad corporations liable for the death of a passenger, caused by a "wrongful act, neglect or default" on the part of such company or any of its agents; the language of the law in most cases following that of "Lord Campbell's act." But in no one of the states, so far as we are able to learn, are the benefits of such a provision extended to any employé of any such company. In the case of *Chamberlin v. Milwaukee and Mississippi R. R. Co.*, in 7th Wisconsin, p. 426, it was held that a servant of a railway company cannot maintain an action for injuries occasioned by the negligence of other servants of the company. In the same case, however, reported in 11th Wisconsin, p. 240, this doctrine was denied, Justice Paine delivering the opinion; Justice Cole declining to express any opinion on the question. In *Moseley v. Chamberlin*, the court, Chief Justice Dixon delivering the opinion, and Justice Paine dissenting, overruled 11th Wisconsin and decided that one employé cannot recover for an injury occasioned by the negligence of another employé engaged in the same business. In this latter case, Chief Justice Dixon states that this doctrine is sustained by the almost unanimous judgments of all the courts both of England and this country. It was supposed that the other view had been or would be maintained by the courts of Ohio and Indiana, but recent decisions hold to the very opposite; so that now the case of 11th Wisconsin stands alone, in opposition to the decisions of both countries.

Increased accountability on the part of the corporations would not merely secure relief to surviving relatives, in case of death caused by "wrongful act, neglect or default," but would also tend to produce greater precaution against accident. Appropriate legislation on this subject cannot be too urgently recommended.

CAREFUL AND FREQUENT INSPECTION.

It must be evident to any one upon reflection that one very important means of preventing delay of trains and accidents, of every sort would be to provide for *frequent and thorough inspection*.

This subject has been already alluded to under the head of "inefficiency of management," and hence may be the more likely briefly discussed in this connection. Its importance is not to be overrated.

If railroad managers were sufficiently impressed with this importance nothing further would be necessary, since the companies have in fact every motive for giving satisfaction to the public and avoiding the many expenses entailed by accidents, whether to persons or property. But as these natural motives do not invariably prove sufficient, it seems to be the duty of the state, as a means of promoting safety of travel, as well as economy of transportation, to see at least that the roads are kept in safe condition.

To this end, no further legislation would be necessary, perhaps, than to duly authorize and empower the commissioners to make or procure such inspection, and to enforce suitable regulations in that regard, as is now done in some of the other states.

IMPROVEMENTS IN THE INTEREST OF SAFETY.

Kindred to the matter of inspection is that of inquiry into the merits of various mechanical improvements looking to the safety of travel, such as automatic couplers, security platforms, safety switches, train brakes, etc. Where large pecuniary interests are involved in the introduction of any new invention, great caution is necessary, but the end sought is of sufficient importance to demand the attention of the state.

BETTER POLICE REGULATIONS.

The law of 1873 confers no power and imposes no duty upon the commissioners respecting what may be termed police regulations in the management of railways. Some of the provisions of other statutes extend to this department, but no efficient system has been adopted, and the requirements are comparatively few and insufficient. In this department of progress the railway management of the United States is far behind that of Europe, and that of Wisconsin far behind that of most of the older states of our own country. And yet no phase of the question of railway legislation is of greater practical importance to the public, and that too, in respect to powers of the government which are undisputed. Safety of life and the due protection of property, as well as the comfort and convenience of passengers, largely depend upon the

proper and efficient supervision of this department under the authority of law. Railway companies should be held to strict and constant responsibility for the construction of suitable fences, depot buildings and freight houses; for the safe, healthful and comfortable condition of passenger trains; for the prompt repair of defective road-bed, bridges and trestle work; for the employment of competent men in every department of railway service, and for the adoption of such improvements in machinery as ensure better protection from accident and security to human life. The order, efficiency and safety thus afforded are all proper objects of legislation, and cannot be intelligently ignored. It is true, that the selfish interests of the corporations themselves tend generally to similar results; but in frequent cases, also, those interests tend in a precisely contrary direction. Moreover, a power thus exercised, intelligently but not officiously, is often necessary to the profit of the companies, and to their protection from unreasonable exactions. For illustration, the commissioners have been urged by intelligent railway managers during the past season to advise efficient penalties for non-payment of fares before entering cars—a reform which would doubtless inure largely to the convenience, if not to the profit of companies, and ultimately to the public. As to this, and other branches of the subject suggested, we ask your serious consideration.

RESTRICTIONS YET MORE GENERAL.

Having discussed many subjects deemed worthy of the consideration of the legislature, and of action, either direct or indirect, but which lie rather upon the surface of this great field of inquiry, we come now to a discussion of several questions, the bearing of which is not so generally appreciated—which have, indeed, received but little public attention, but which, nevertheless, lie at the bottom of the whole inquiry, and, in the judgment of your commissioners, are to determine the success or failure of state supervision.

RAILWAY ACCOUNTS.

It is, of course, out of the question for either the state or the public to know with certainty how the affairs of a railway are managed unless the accounts of the company are so kept as to make an intelligible exhibit, and to command the entire confidence of those who have a right to know all about the receipts and dis-

bursements. To this end it is important that the following conditions should be fulfilled:

(1) They must be kept on correct principles, all receipts being honestly credited to their real sources, and all expenditures charged to the proper account, care being taken, where there is room for doubt, that the capital account, especially, be not unduly increased.

(2) They should be kept so as to be separable for the different lines, where more than one line is operated by one company. This especially where, as in this state at present, the companies pay a state tax proportioned to the earnings of lines within the state. It is also important as enabling the state and the public to know to what extent new lines—sometimes lying in other states—are a burden upon the old ones; and also enabling the managers themselves to know what the interests of the company demand.

(3) The freight account should be so kept as to make a full showing of every shipment of freight, with the class to which it belongs, weight in pounds, stations from which and to which shipped, and the amount actually received and charged to the company thereon; the freight account of each station showing for itself, and the accounts at the general freight office showing the exact business and freight receipts at all the stations on each and every line. Such keeping of accounts is essential to the proper management of the roads, and to the state important as furnishing correct data for a full understanding of the company's condition.

(4) The accounts kept by all the railway companies of the state should be uniform as to method, in order that the working of different roads may be compared, and that uniform reports may also be possible.

(5) They should be closed and accessible to the stockholders both before and after the regular meetings at which they are presented for approval, and should be published in full abstract, with balance sheet, for the use of the stockholders and the state authorities.

FULL AND COMPLETE REPORTS.

Regarding the possibility of secrecy as affording encouragement to fraud and mismanagement, on the one hand, and, on the other, as being a frequent occasion for unwarrantable suspicion on the part of the public, we are strong in the conviction that it is of great importance to both railway companies and people, that the reports made by such companies should be very much more full and thor-

ough than they have been heretofore. There may be cases in which an honest corporation, struggling through financial straits, would prefer that its exact condition should not be known to the world; and yet, even in such cases, the policy of concealment is one of very doubtful propriety or advantage, while the amount of injury that may be done to the public and to the credit of the state by encouraging ~~less~~ honorable corporations in the practice of secret frauds, may be very great.

The fact must not be lost sight of that the state, to the extent of its power to prevent the practice of wrongs upon the public by the corporations of its own creation, is bound to regard the general welfare, future as well as present, rather than the tottering credit of one or more unfortunate corporations. If publicity through full reports should bring embarrassment in some cases for the present, it will also have a strong tendency to correct abuses and to induce a more healthy condition of bodies corporate in the time to come.

A proper report to stockholders will do more than make a showing of business done, earnings and liabilities. It will also give the reasons influencing the management to the course it has pursued and the principles which govern its action.

These views find ample confirmation in the very able report of the investigating committee of the Pennsylvania Railroad Company, recently published. In accounting for the existing distrust in the value of railway stocks and securities, the committee say:

"And we suggest, as the first, the meagre and incomplete reports of the directors of railroads made to the stockholders. Railway directors, in their reports, seem guided by the old adage—that 'the least said is soonest mended.' There is a tendency to limit their reports to the general results of a year's work, giving financial results and the economic workings, while the stockholders are left in great ignorance of the value of their own property. There should be, in every respect, the fullest detail of these items, enabling each stockholder, at the end of a year, to make his own estimate of the value of his stock. *But these reports should go further* and give the most ample information as to the position of the road in its relations with other roads, and state fully all the facts that might influence its policy, its plans for the future, or its finances."

MORE FREQUENT REPORTS.

Much importance is justly attached by many authorities on railway matters to a greater frequency of reports to stockholders than is now common. It is manifestly proper that stockholders, where

they have a veritable existence, should be correctly informed as to the condition of their property, and as to the transactions and general policy of those who, as railway managers are entrusted with the guardianship of their interests. Just what should be required of the corporations in this regard is now receiving the careful consideration of your commissioners.

PUBLICITY OF CONTRACTS.

(1) *Publicity of working and traffic contracts.*—As a further means to the end of fair and efficient management, it is important that the state should be in possession of authenticated copies of all contracts between companies for the working of their lines respectively, and for the interchange of traffic; that the traffic arrangements made in pursuance of such contracts should also be made public at the several stations where they would be of use; and that the commission, or other state authority should be empowered to procure their amendment, or, if necessary, their supervision by due process of law.

There should also be:

(2) *Publicity, through the commission,* of all contracts between railroad companies, whether with one another, with express and telegraph companies, or with companies operating colored freight lines, or water lines.

(3) *Publicity, through the commission,* of all agreements, leases, purchases and conveyances.

FINAL LIMITATIONS UPON CORPORATE POWER.

In the suggestion of remedial measures thus far, we have purposely advanced from the more palpable and less serious remedies to the more unusual; holding in reserve such as deal directly with the fundamental questions relating to chartered powers, organization, the prerogatives of members and officers, the issue of stock, and the creation of debt.

THE RELATION OF STOCKHOLDERS TO MANAGERS.

The progress of railroad enterprise in England has been characterized by the same features that have been shown in this country, and is thus described in a late journal:

“The railway system thus extended with unhealthy rapidity, until the in-

evitable result was at length experienced. Extravagance led to financial embarrassment; concealment was necessary to the maintenance of credit; capital accounts were unduly increased; revenue expenses were not sufficiently incurred or not properly charged; accounts were falsified; the balance sheet made to suit the dividend, in place of profits (or losses) being calculated from its figures."

This kind of experience has led them in England to look more closely after the management of their railroad corporations, and thus regulate the governing conditions which determine proper limitations in charges as between capital and the public, and at the the same time correct abuses of reposed trusts in the management. Great advances have been made in this direction in England, and the strict accountability of managers, both to stockholders and the public, is becoming incorporated in their railroad system.

The following article from the Railroad Gazette of Nov. 28th, is to the point:

"Now we do not here wish to discuss particularly the question at issue in this case, * * * but only the closeness of the relations of the shareholders of English companies to their directors, which in this case forced the latter to submit a question concerning the conduct of the traffic of the road, on which they had not only made but announced their determination, to the approval of the shareholders, and to call a meeting for that purpose. It would astonish American shareholders to be consulted on such a matter almost as much as it seems to have astonished the English public to have their favorite second class cars abolished. American shareholders hardly expect to be consulted about anything, unless it may be a proposition to consolidate or lease. Indeed, the English corporations are incomparably the more democratic of the two, in effect, if not in form. Perhaps the most striking illustration of this is the English half yearly meeting, at which the report of the working of the road and the action of the directors for the half year next proceeding are presented and offered for adoption or rejection, and at one of which directors *and auditors* are chosen. Now we have yearly meetings of shareholders here, but for the most part they are meetings in name rather than fact. Usually one or two directors are there with proxies for all the shares which offers to vote in their pockets, and often some clerk who happens to be near has to be called on to serve as secretary. In many, perhaps most cases, the annual report is not presented until after the meeting and election; and only two or three companies, so far as we can remember, have an address from the President or any discussion from shareholders. Generally the only business done is the election of a board of directors, and the report, if one is published, passes without comment or criticism. The directors sometimes ask the shareholders to authorize new loans, issues of shares, leases, consolidations, etc.; but in such cases no considerable attendance is expected at the meeting, and the spectacle of a hundred or two share-

holders attending an annual meeting, asking explanation of matters contained in the report (or not contained in it); finding fault with this, that and the other; proposing resolutions about one matter or another, would, we imagine, utterly amaze most of our veteran railroad directors. No that shareholders here always put up with the policies of their directors; they get tired of them and turn them out quite as frequently as any other shareholders, probably, but they do it, and are expected to do it quietly, almost secretly, giving no reasons that the public ever have for their action, and asking no explanation or defense from those who they displace or seek to displace.

"Now in England, the directors publish and send to the shareholders a report for the preceding half-year, at least a week before the half-yearly meeting. The shareholders, therefore, come to this meeting with a knowledge of what their directors have done, and of the results of the working of their railroad. They have time to study the returns and compare them with those for previous half-years, and the results with those anticipated by the directors. Then at the meeting the chairman, apparently invariably, makes a speech, usually much longer than the report itself, in which he explains the report, sets forth the policy pursued and that proposed for the future, and usually submits some questions to the shareholders for their decision. Almost always some shareholders have remarks to make, often in approval and often in criticism of some action of the board or statement of the report, and oftener still in the way of inquiry for explanation of something in the report or the president's speech; or perhaps it is a request for entirely new information. Frequently there are a great many speakers and a long debate—perhaps a hot one—and the chairman holds himself bound to answer all inquiries and make all explanations. Thus the meetings often draw out a great deal of valuable information regarding the company's affairs. They make it possible for any shareholder, not absolutely stupid, to understand the affairs of his company, the policies which control it, and the different courses recommended by different parties. The very institution by which he maintains his close control of his company keeps him informed concerning it, makes him interested in it, and does much to qualify him for the part which he takes in directing its affairs. Another good result is that the public can, if it chooses, keep informed of the motives which determine changes in the management of the corporate property, feel the pulses of the shareholding public, and realize the importance of the corporate interest and the reasonableness of its efforts to secure a good income on its investment. Civilized people—Anglo-Saxons, at least—have a hearty, honest sympathy with people who are trying to get an honest living. When they see and hear the army of shareholders struggling to make their property as efficient and as valuable as possible, they are likely to wish them success; but when they hear only of the *Boston and Albany Company*, the *Central Pacific Company*, they hardly associate the corporation with human beings with rights and wants like themselves, but rather imagine it as a cold-blooded abstraction—a modern monster which devours the substance which ought to support good warm flesh and blood.

"The tendency of the past eight or ten years, in this country, has been to

make a railroad company an oligarchy or an autocracy, in which the autocrat does pretty much what he pleases without thinking of asking the leave of the people who own the property with which he disposes so freely, it being assumed that he knows best what is for their interest and that he will do it, and that somehow the company would be in danger of dire disaster if the executive should have to state his plans frankly, or could not effect some great stroke of policy secretly. But time shows that, whether or no, much may be gained by a secret policy, very much may be lost by it, and the shareholders who insist on knowing what their directors are doing and intend to do, are those who lose least and gain most. Moreover, the rage for making secret combinations seems to have abated, and the public complaints against the railroads are making it necessary to publish instead of concealing the details of railroad business, and the results of the operations from year to year. There is no such friend of prejudice as ignorance, and the policy which will make it easy for shareholders and the public to understand just what the companies are doing will do most to avert the violent, unreasonable and harmful prejudice which is now widespread."

The facts which are stated and the policy which is illustrated in the foregoing article, may serve to indicate a phase in the relations railroads *may* sustain to the community, and which would perhaps have a large influence in solving the problem of general regulation.

It is evident that the power which the stockholder exerts over the management of a corporation when exercising his full rights, is of such a nature as to popularize as it were the business of the company. Its entire condition becomes known, alterations of its status are discussed in advance, there being no concealment, the public awards it the right to adequate returns, and economical management is the enforced rule. Under such conditions necessity for state control may be said to be reduced to its minimum, and the road to have reached its normal condition in reference to the community.

This state of things may be said to be unknown, or at most, exceptional in this country. The policy of secrecy is maintained. The few reports which are made are considered unreliable,—“cooked,” for a purpose, and at most appear but annually. The real condition of the road, if known at all, is known only to the managers, and instead of courting the confidence of the public, the entire management is calculated to create distrust and excite suspicion.

A move in the right direction and akin to the English practice which has now obtained, was made by the stockholders of the Pen-

sylvania Railroad Company at a meeting held March 10, 1874. They appointed a committee from their own number to investigate the affairs of the company, make an appraisal of the roads, shops, machinery, real estate, depots, bonds, stock and all other assets of the company, etc., etc. A report of 240 pages was the result, and besides the valuable statistics in regard to the property of the company it presents views in regard to the management of railways, which have a direct bearing upon the main problem which is sought to be solved; and although the views presented by the committee are from the stand point of the stockholder, yet they are suggestive of very many requirements necessary to meet those conditions which the relations of railways with the public render imperative in order to a proper accord with the principle of non-interference to the greatest extent practicable; and in conformity with the spirit of our system of government. We have therefore made copious extracts from the report.

"There exists in the public mind a want of confidence in railway stocks as a means of permanent investment. It is feared by some that all moneys invested in railway stocks will ultimately be sunk and lost from the operation of the causes we will notice. This state of hesitation and doubt should not exist. There is no reason for it in the character of the investment. Well-located and well-managed railways will pay good dividends on the amount in cash invested in them. The causes of this want of confidence must then exist outside the nature of the case. Let us examine and find out, if possible, what they are; and we suggest as the

"*First.*—The meagre and incomplete reports of the directors of railroads made to the stockholders. Railway directors, in their reports, seem guided by the old adage, 'that the least said is the soonest mended.' There is a tendency to limit their reports to the general results of a year's work, giving financial results and the economic workings, while the stockholders are left in great ignorance of the value of their own property. There should be, in every report, the fullest detail of these items, enabling each stockholder, at the end of the year, to make his own estimate of the value of his stock. But these reports should go further and give the most ample information as to the position of the road in its relation with other roads, and state fully all the facts that might influence its policy, its plans for the future, or its finances.

"*Second.*—The tendency in the leading officials and managers of railroad companies to act as if the property they manage was their own. This is natural. Strong men, with their natural self-reliance, and from their more intimate knowledge of the particular interests of a company, are apt to assume the infallibility of their own judgment, and therefore grow impatient, and come at last to look upon a stockholder who may ask a question, or presume to criticise their conduct or plans, as an impertinent intermeddler, and

the annual problem is, how to get through with the stockholders' meeting without debate; showing, at least, a lack of confidence in the shareholders. These persons must learn to submit to the unwillingness of the shareholders to abandon their right of judgment, though that judgment should be wrong. They also overlook the weightier and more important fact that, apart from the right which shareholders have to discuss all matters affecting their interest, the directors and officials, by this means, lose the profit and moral support which shareholders, educated by a full discussion of the reports of the directors would give them.

* * * * *

"*Fifth*.—The tendency among railway stockholders to transfer the decision of all important questions to the board of directors. * * * The existing relation in almost every large railway organization, will show that the shareholders are almost a nullity as to their influence in the policy or management of their own property—their main utility being in furnishing an audience to hear a report and voting for directors, a ticket being carefully prepared for them. The evils of this are apparent, and it is time for the shareholders to resume, or more properly, assume the direction and control of their property."

While the report of the committee plainly sets forth some of the evils which have grown up in railroad management, and propose remedies to meet the case of their own company, having a working body of stockholders; the proposed remedies, (even from the statements made in the report), evidently could not be made operative in their application to a large part of the railroads of the United States, and particularly of those of the western states under their present status and management. The existence of the element designated stockholders, being either a myth entirely, or else the rights inherent in them as the proper proprietors of the property are practically ignored or abandoned.

It will be observed from the extracts given, that after a full examination of the situation in which they find their company placed, and which necessarily included a comprehensive consideration of the general situation of railroad affairs in the United States, that the conclusions reached are entirely in harmony with those which have obtained ascendancy in England. The practicability of the improved relations between stockholder, manager and community, as set forth, has an important bearing upon the whole question, not only with reference to Wisconsin but to the whole United States.

It will be observed that these relations are only possible under certain governing conditions, and such conditions are those which pertain to the legitimate financial basis of the company, and to the

degree of harmony between the several functional parts of the company itself.

If upon these we are to depend for the subsequent minimum of governmental interference, it becomes a proper subject of inquiry: (1) What are the essential requirements? (2) What means are at our disposal to secure them?

Evidently, to start with, the requirements are a total revolution in the railroad management of the country. So long as the irregularities which notoriously exist through the entire management of these corporations are suffered to continue, so long may we expect that the public will insist upon legislation, the character of which has thus far marked the progress of the railroad agitation, and so long may we expect the theory of state or national ownership to receive serious consideration. The evils which have crept into the management of railroads cannot consistently be expected to be eradicated by enactments which leave the original cause of the trouble intact. The powers which have been granted these corporations, and which have been concentrated in the hands of the officers, and in many cases that of the president alone, have encouraged wide departures from legitimate business transactions, always at the ultimate expense of the company, and thus, indirectly, that of the public, and in many cases for the mere private emolument of individuals.

Foremost in the train of evils which now exist in railroad matters, is that of an entirely deranged and distorted basis. The stockholder, who is the proper owner of the road, is practically impotent, no interest in the road being attached to his ownership. The funded debt is perhaps largely in excess of the stock itself, and the assumed "cost" represents values which never had a place in the property.

STATUTORY LIMITATIONS UPON THE POWER OF DIRECTORS.

If the restraints so imposed are to be effectual, they should go no further than will be recognized as reasonable and necessary; a provision of law, for example, prohibiting—

(1.) The making a bonded debt until the company shall have first received for stock at least a certain per cent. of the estimated cost, or a certain proportion in the form of securities approved by the state authorities. This would prevent many enterprises from falling into the hands of mere speculative adventurers, and, by fur-

nishing some sort of substantial basis, render it possible to negotiate the bonds of the company, when really issued, at a much less sacrifice than would be otherwise practicable.

(2.) Prohibiting the borrowing of money on mortgage or bond, the lease or purchase of lines of railway, or the guaranteeing of the bonds of other companies, or of the interest therein, without authority, by a vote of stockholders at a general meeting, and the filing a notice of the intent so to do, and the reasons therefor, with the railroad commissioners.

3. One of the greatest mistakes which has been made, is that permissive legislation which fixes no limit to the increase of either stock or bonds, the "non-interference" principle being here carried out to the bounds of absurdity, and in the wrong direction. If the original mechanism is wrong, if the component parts of the legislative machinery are out of order, no amount of subsequent "tinkering" at details will suffice to enable it to produce satisfactory results. An inconsistency is apparent in undertaking to legislate charges *down*, when the assumed cost upon which these charges are based, and upon which it is conceded an adequate interest shall be paid, has by legislative permission been augmented to a point which renders it impossible to meet the imposed duty and at the same time pay the expected interest — when a legislative *carte blanche* has been granted to increase the amount which shall be assumed as interest-paying capital, to any optional extent, and at the same time a legislative limit to the capacity to produce interest is established.

There is no one phase of railway management in this country which presents so many obstacles in the way of establishing proper relations between railroad corporations and the public, as this one of assumed cost. It is the pivot upon which has turned most of the special legislation to control charges, and to which also, in a great measure, their failure may be attributed. There is reason to believe, however, that the abuse of privileges in this respect have been carried so far as to react under certain conditions against some of those companies who have indulged in them. In illustration we quote as follows from a late address of the President of the Baltimore and Ohio Railroad Company:

"It is very fortunate, at a period when the evil results are shown of financial error, when many other railways, under the efforts of speculators and manipulators of stocks, committed the huge mistake of making not the

reasonable and proper sum of capital which just expenditures in construction create, but greatly enlarged and exaggerated bases on which interest and dividends are expected to be paid—that the action of the Baltimore and Ohio Company furnishes a striking and distinct contrast to their policy.”

These remarks were made with a just pride in the integrity which had marked the management of the Baltimore and Ohio railroad, and the success which had attended it. But they are valuable, coming from the source they do, for the reason that they point unmistakably at the particular evils in railroad management, which need correction in the interest of the public, and to which legislation should be directed.

Evidently experience now indicates to us that if legislative control is to be interposed to protect the public from being over taxed by railroad corporations, the first step in that direction should be to establish such relations between them and the people, as would ensure confidence in the management. To accomplish this, legal enactments must restore the public to those rights which were implied when the charters were granted and accepted. If the needed provisions of law were not incorporated in the original charter, then subsequent legislation should supply the deficiencies.

Next to a limitation of capital (*cost*), no one point is more important than an *absence of concealment* in regard to the business of the company. And legislation should enforce it. If the company is established upon a legitimate basis, if there is a bona-fide element of stockholders, if the stockholders are really the company and the owners of its property, then it is imperative that they should be familiarly acquainted with its business condition, and in such case it virtually becomes known to the public. If the element of stockholder has been lost—has no real practical existence—then still more important is it that the public should have constantly before it the business conduct of the “corporation.” But in the interest of the public the law making power should provide against the contingency of a company which is so in name only, and furthermore create by legal enactments such provisions as would of necessity restrain the managers of a road from executing important business operations without previous notice to the public, and first receiving authority therefor from the stockholders. This could be provided for by quarterly, or at most semi-annual meetings of the stockholders, as already adopted in England. At these meetings, full reports of the business of the company would be

made, and the future policy discussed and decided upon, leaving to the officers their proper functions of executing the will of the proprietors; of the property and not as is now the common practice, allowing the officers the entire control and disposal of their property, and the power of affecting the interests and rights of the public at their will and pleasure—restricting the officers to the performance of their legitimate, defined, and limited executive duties, the acquired licensed departure from which has been the cause of the many disorders which exist in railroad operations.

From the statements presented of English experience to date, supported by the report of the stockholders' committee of the Pennsylvania Railway company, and by the statement of the President of the Baltimore and Ohio Railroad Company, the inference is clear that with a railroad corporation under a legitimate acting organization,—such as is within the true meaning of the term, its several parts being confined by law to their functional duties, and the whole confined to legitimate, economical business transactions in the interest of both the public and the stockholder,—enlightened public opinion would acquiesce in such an adjustment of charges as could and would be shown, by a constant and complete revelation of its affairs, to afford adequate interest on capital; and no other would be submitted to. Moreover, it would lead, doubtless, to a liberal policy with weak roads when public confidence was created and the public interest concerned.

In other words, the special regulation of rates by legislative interference would be superfluous; the duties of the law-making power being confined to preserving intact the harmony of the several functions of the corporation by restraining and limiting enactments.

It will be observed that no such state of affairs could exist while the business operations of a company were *concealed*.

And while conceding that it should be the province of government to correct, as fast as possible, the disorders which have arisen from careless legislation, yet we are met by the question of how to master the difficulties which exist, and which are to be dealt with *until* the normal condition of railroad corporations can be secured, and resulting just relations established between them and the state, and between them and the people.

Stockholders, acting in their proper capacity, might, as in England, order a full quarterly or semi-annual report. They could re-

quire a full exhibit of the business standing of the company, and order the same made public; they could limit the duties of their officers, and exercise a controlling supervision of their property, in their own interest and that of the public. But we are comparatively without this proper regulating element. In fact, with exceptional cases, the stockholder is regardless of his controlling power, and delegates it to the officers.

It is, therefore, only through the power of the *State* that the functions which properly belong to the stockholder can be made to apply in controlling the management of railroad corporations, and to this power therefore the people have applied to correct evils which they could not otherwise reach. And it is eminently proper that the state should in its power, in behalf of the public which it is bound to protect, assume those duties which are neglected by the stockholder, or of which the stockholder has been deprived, until the natural conservatism inherent in the nature of things has had time to produce a reaction in railroad management.

Here, then, is an opportunity for the proper exercise of state control which will look to the establishment of those governing conditions to which we have alluded, and which may ultimately characterize the relations between state and company.

It may be said that legislation of the kind last spoken of would partake of the character of state ownership; but such a construction cannot properly be applied, although, in the case of the land grant, there may be said to be an actual investment, a consideration by implication; yet the part taken by the state would be entirely *supervisory*, and in protection of the interest of the public.

We have, then, abundant opportunity for the interposition of state control in a direction which would serve to *establish* what may very properly be called the *normal condition* of a railway company.

There can be no sensible reason given why the control should not be extended in the direction pointed out, and that what has been termed the "barbarous thumb rule" should not be withdrawn as soon as the conditions are reached which would, through an enlightened public opinion created and sustained by complete business exhibits of the companies, establish mutual confidence between those and the people as to management. It is not to be expected that the kind of control indicated would be kindly appreciated by those who now have acquired the control of such large properties

as are combined in some of these companies. But it is impossible that under our popular institutions a continuance of the debased status of railroad corporations in the United States can be expected.

Under the almost frantic desire of our people for their extension, all restraints were ignored or their application futile. The experience of England seems to have been the same. The turning point was reached there and has now reached in the United States. The question is—what shall be the future relations of railroads and the government? We think as stated in the proposition heretofore given it is already indicated, and that the pre-existing relations of the people and the government will establish the character and extent of state control.

But it is not sufficient—it does not meet the case which is already on our hands—to provide only against the evils of the future; we need to correct existing wrongs. It is robbery of the people to allow them to be perpetuated. We need the passage of laws to prevent future wrongs; but an imperative sense of justice demands that existing ones should be corrected. Assumed values should be eliminated, and their future insertion prevented; the real state of railroad corporations be made known; their future concealment prevented: the present rights of the people vindicated, and their future secured. The power of the state is abundantly competent for the undertaking.

RAILROAD DIRECTORS AND OFFICERS.

At present the actual powers of railroad directors practically vary considerably in different portions of the country, and in different companies. In some cases, they are chosen at large meetings of stockholders and succeed in holding the reins of corporate government firmly in their own hands, managing the affairs quite independent of both stockholders—who have learned to acquiesce in such assumption—and officers. But in the majority of instances, and especially in the case of the more powerful companies, their election is a mere formality, the choice having been made by the supreme power of the company centralized in the one man who sits as president, and they are thenceforth chiefly useful in giving to stockholders and public a semblance of direction in their interest.

Of course, where this is entirely true, the subordinate officers

highest in rank, the manager and superintendents, are also creatures of the president; and thus, the company, instead of being, as it ought to be, a representative government, becomes an absolute monarchy. Where the monarch is at once wise, just, and efficient, the affairs of a company may be admirably managed under such a system. Nevertheless, it is not a safe system.

There occur to us two ways in which the state may exercise a conservative power for the improvement of this condition of things:

First. By providing that the election of directors shall be upon some well-devised system that will put a check upon the one-man power, giving to *bona-fide* shareholders some opportunity to exercise a conservative influence upon the management. A very simple method would be to provide that a definite number of shares should be entitled to elect one director. This would insure representation to the minority who are now practically ignored.

Secondly. By providing for a just representation of the state itself in the board of directors.

This method is not without precedent, and it seems to us both important in the interest of the public as well as of stockholders and creditors, and without just objection so far as existing boards of direction are themselves concerned.

It is manifest that a state director, watchful of the public interests, would be a conservative element of great value in such a board, although his vote should be but as one to thirteen in the determination of such questions as would be decided by them. He would also, in many instances, be of immense service to the honest company by staying public suspicion, and giving to the state a better understanding of the real condition and wants of the corporation.

In the case of all companies having grants of public lands to aid in the construction of their roads, such a representative is still more unquestionably important. Where the state gives lands of its own—which it does not ordinarily do—there is a manifest propriety in its having a voice in their management. And in the case of congressional grants, the state, as trustee of the general government in the interest of the public improvement of the country, is under the same obligation to see that its agents, the companies, use them in harmony with, and to the best advantage of the trust.

Had the state been ably and honestly represented in this manner in the past, it is almost certain that the history of our land grants would to-day present a very different record.

A COMMISSION WITH ADEQUATE POWERS.

It is manifest that if the policy of state supervision of railways is to have permanency, it should also have efficiency. And it is no less manifest that there can only be efficiency where there is unity of purpose and sufficiency of authority.

Your present commissioners do not covet added powers. Every personal consideration would lead them to an avoidance of increased responsibility. But they cannot honestly and fully discharge their duty to the state, as they understand it, without pointing out what their investigations have led them to regard as absolutely essential to success in working out a practical solution of the transportation question.

It has appeared in the foregoing discussion that specific rates of charges fixed by any authority independent of the railway companies who have the responsibilities of management, are everywhere found to be impracticable—that statutory provisions for the control of a business so intricate, and involving such an infinite variety of particulars, must of necessity be practically worse than useless unless broad and general in character, compelling observance of established principles, rather than imposing regulations for all the details of practical operations. It is no less manifest that any department or board charged with duties in this behalf should not only be charged with the general enforcement of all laws designed to protect the transportation interests of the public, but should have the exercise of reasonable discretionary authority to apply such laws with the nearest possible approach to equal justice to all the interests involved.

SUMMARY OF CONCLUSIONS.

Having thus completed as full and careful a survey as possible of the whole field of inquiry, your commissioners present the following summary of the more important conclusions they have formed:

The only form of railway control likely to prove successful under present conditions, is the legislative, supplemented by direct supervision; the legislature laying down general rules of action, but

leaving the application and enforcement of those rules to a commission. A judicious application of this method requires—

1. A determination, by the commissioners, of the actual cash value of each railroad; such value not to be greater than the actual cost thereof, and the valuation subject to legislative revision.

2. An annual determination of the gross and net earnings of each company, from the reports of companies, by actual inspection of books and affairs, and by all other practicable methods.

3. A division of roads into two classes: the first class including all roads paying a reasonable compensation on valuation, and the second class including all other roads.

4. A maximum of rates of fare and freight for roads ascertained to belong to the first class; such maximum being subject to legislative revision.

5. No restriction of earnings upon roads of second class, except by way of remedying unjust discriminations.

6. A prohibition of unjust discriminations and unreasonable or excessive rates on all roads; any person complaining of discrimination or extortionate charges having the right of appeal to the board of commissioners, under such rules as to evidence of facts as the commissioners may determine; the board determining the fact of discrimination on evidence and notice to both sides, and its conclusions to be *prima facie* evidence as to fact of discrimination, or of unreasonable charges.

7. Additional police regulations, especially as to running connections, and the passage of freight from one road to another.

8. Limited power of the commissioners to require repair of roads, improvement of roads or rolling stock, and increased accommodations for passenger travel.

9. Full and complete publicity of rates of fare and freight.

10. Publicity of all important contracts and agreements between railway companies, and of their business transactions generally.

11. Greater uniformity and completeness of accounts, as well as greater fullness and frequency of reports.

12. Adequate penalties for the falsification or concealment of earnings and expenditures, or other facts.

13. Efficient means for the prompt enforcement of all provisions of the law, at the expense of the state.

Respectfully submitted,

JOSEPH H. OSBORN,
GEORGE H. PAUL,
JOHN W. HOYT,
Commissioners.

OFFICE OF THE RAILROAD COMMISSIONERS,
MADISON, January, 1875.

OFFICIAL PAPERS

OF THE RAILROAD COMMISSIONERS, WITH PORTIONS OF
THEIR CORRESPONDENCE.

[CIRCULAR No. 8]

CLASSIFICATION OF ROADS AND RATES OF FARE AND FREIGHT.

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, May 14, 1874.

*To any individual, company or corporation, owning, operating, managing or
leasing any railroad or part of a railroad in the state of Wisconsin:*

NOTICE IS HEREBY GIVEN by the undersigned, Railroad Commissioners for the state of Wisconsin, appointed in pursuance of chap. 273 of the general laws of said state, approved March 11, 1874, that the following classification of railroads, classification of freights, maximum rates of fare, and maximum rates of freight, have been established by law, and by said commissioners, in pursuance of authority conferred upon said commissioners by said act.

CLASSIFICATION OF ROADS.

CLASS A.—All railroads or parts of railroads, in the state of Wisconsin, now owned, operated, managed or leased, either by the Milwaukee and St. Paul Railway Company, the Chicago and Northwestern Railway Company, or the Western Union Railway Company.

CLASS B.—All railroads, or parts of railroads, owned, operated, managed or leased by the Wisconsin Central Railway Company, the Green Bay and Minnesota Railway Company, or the West Wisconsin Railway Company.

CLASS C.—All railroads, or parts of railroads, in this state, not hereinbefore enumerated.

CLASSIFICATION OF FREIGHT.

All freights hereafter transported upon any railroad, or part of railroad, in this state, are divided into four general classes, to be designated as First, Second, Third and Fourth Classes, and into seven special classes, to be designated D, E, F, G, H, I, J.

GENERAL CLASSES.

Said four General Classes shall include all merchandise and other articles of transportation, included in the standard Classification of the Milwaukee & St. Paul Railway Company, which took effect December 1, 1878, and at this date used by said company for all business done in Wisconsin, except such articles as are hereinafter assigned in accordance with law to special classes hereinafter named.

SPECIAL CLASSES.

The special classes hereinafter named shall include the following articles, respectively:

- D—All grain, in car loads.
- E—Flour in lots of fifty bbls., or more; lime in lots of twenty-four bbls., or more.
- F—Salt in lots of sixty bbls., or more; cement, water-lime and stucco, in lots of twenty-four bbls., or more.
- G—Lumber, lath and shingles, in car loads.
- H—Live stock, in car loads.
- I—Agricultural implements, furniture and wagons.
- J—Coal, brick, sand, stone and heavy fourth class articles, in car loads.

RATES OF FARE AND FREIGHT.**LIMITATION OF CHARGES FOR FARES.**

Any individual, company or corporation owning, operating, managing or leasing any railroad, or part of a railroad, in the classification of roads hereinbefore prescribed, is limited to a compensation for the transportation of any person, with ordinary baggage not exceeding one hundred pounds in weight, as follows:

- CLASS A—*Three cents per mile.*
- CLASS B—*Three and one-half cents per mile.*
- CLASS C—*Four cents per mile.*

Provided, That no such individual, company or corporation, hereinbefore designated, shall charge, demand or receive any greater compensation per mile for the transportation of children of the age of twelve years or under, than one-half the respective rates above prescribed.

LIMITATION OF CHARGES FOR FREIGHT ON RAILROADS CLASSED A AND B.

No individual, company or corporation owning, operating, managing or leasing any railroad mentioned in Classes A and B, is entitled to charge for or receive, a greater or higher rate for carrying any freight belonging to either of the four general classes of freight hereinbefore named, than was charged for carrying freights now belonging to said four general classes, on said railroad, on the first day of June, 1873.

Nor is any individual, company or corporation owning, operating, managing or leasing any railroad belonging to said Classes A and B, entitled to charge for, or receive, a greater or higher rate for carrying articles belonging to any of the special classes hereinbefore named than is specified in the annexed table:

Railroads "A" and "B,"—Freight Tariff—Special Classes.

DISTANCES.		D	E	F	G	H	I	J
		Grain in Car Loads.	Flour in lots of 50 bbls., or more; lime in lots of 24 bbls., or more.	Salt in lots of 60 bbls., or more, cement, water-lime, and stucco in lots of 24 bbls., or more.	Lumber, lath and shingles, in car loads.	Livestock in car loads.	Agricultural implements furniture and wagons.	Coal, brick, sand, stone, and heavy forth class articles, in car loads.
M.		100 Lbs.	Bbl.	Bbl.	Car.	Car.	Car.	Car.
25	.....	06	12	15	8.00	10.00	11.00	8.00
50	.....	10	20	21	13.00	17.00	17.00	14.00
62	.....	11	22	22½	14.50	19.00	18.50	15.00
75	.....	12	24	24½	15.00	21.00	20.00	16.50
87	.....	13	26	26	16.50	23.00	21.50	17.50
100	.....	14	28	28	17.00	25.00	23.00	19.00
112	.....	15	30	29½	18.50	27.00	24.50	20.00
125	.....	16	32	31½	19.00	29.00	26.00	21.50
137	.....	17	34	33	20.50	31.00	27.50	22.50
150	.....	18	36	35	21.00	33.00	29.00	24.00
162	.....	19	38	36½	22.50	35.00	30.50	25.00
175	.....	20	40	38½	23.00	37.00	32.00	26.50
187	.....	21	42	40	24.50	39.00	33.50	27.50
200	.....	22	44	42	25.00	41.00	35.00	29.00
212	.....	.....	.....	43½	26.50	43.00	36.50	30.00
225	.....	22½	45	45½	27.00	45.00	38.00	31.50
237	.....	.....	.....	47	28.50	47.00	39.50	32.50
250	.....	23	46	49	29.00	49.00	41.00	34.00
262	.....	.....	.....	50½	30.50	51.00	42.50	35.00
275	.....	23½	47	52½	31.00	53.00	44.00	36.50
287	.....	.....	.....	54	32.50	55.00	45.50	37.50
300	.....	24	48	56	33.00	57.00	47.00	39.00

When rates are not shown in the above table for the exact distance, the rates given for the next greater distance should be used.

In all cases, distances are to be computed from localities where freight is received, notwithstanding it may pass from one railroad to another.

LIMITATION OF CHARGES FOR FREIGHT ON RAILROADS CLASSED C.

No individual, company or corporation owning, operating, managing or leasing any railroad mentioned in class C, is entitled to charge or receive a greater or higher rate for carrying any freight belonging to either the general or special classes hereinbefore designated, than was charged for carrying such freight on said railroad on the first day of June, 1873.

PENALTIES FOR VIOLATION OF THE LAW.

Chapter 273, of the General Laws of 1874, entitled "an act relating to railroads, express and telegraph companies, in the state of Wisconsin," in pur-

suance of which act the above classification of roads, classification of freights, and rates of fare and freights are established, provides as follows:

SECTION 6. In no instance shall any such individual, company or corporation, lessee or other person charge or receive any greater rate or compensation for carrying freight or passengers than hereinbefore provided, and any individual, company or corporation violating, or in any way evading the provisions of this act, shall forfeit all right to recover or receive any compensation whatever for the service rendered, wherein such violation is attempted, and every agent of any such corporation, lessee, or other individual operating any railroad within this state who shall refuse to receive for transportation over the road for which he is agent, in the usual way, any of the articles hereinbefore mentioned on account of the compensation hereinbefore prescribed being too low, or, receiving any such articles of freight, shall charge or attempt to charge for the transportation of the same, any greater sum than herein fixed, or shall in any manner violate or attempt to violate or evade the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not exceeding two hundred dollars for each and every offense, and the injured party shall have a right of action against said agent, or against the railroad company or other persons operating the railroad, or both, in which he shall be entitled to recover three times the amount taken or received from him in excess of the rates prescribed by this act.

SECTION 7. Justices of the peace shall have concurrent jurisdiction with the circuit court in all prosecutions for violation of this act, with full power and authority to impose fines, and to the same extent as the circuit court; and the defendant shall have the right of appeal as in other cases tried before justices of the peace, and justices of the peace shall also have jurisdiction in all civil cases under this act whenever the amount claimed does not exceed two hundred dollars.

NOT APPLICABLE TO THROUGH FREIGHTS.

Nothing contained in this notice is intended in any manner to abridge or control the rates for freight charged by any railroad or company in this state, "for carrying freight which comes from beyond the boundaries of the state, and to be carried across or through the state."

JOSEPH H. OSBORN,
GEO. H. PAUL,
JOHN W. HOYT,

Railroad Commissioners.

Attest: H. A. TENNEY, *Clerk of the Board.*

[CIRCULAR No. 4.]

INQUIRIES CONCERNING CLASSIFICATION OF RATES.

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, ——— 1874.

DEAR SIR:—Please furnish the Railroad Commissioners of the state of Wisconsin answers to the following questions:

1. Into what classes is freight now divided by your company?
2. Under your present classification what articles are assigned to each class?

3. What were the rates for carrying freight on your line or lines on the first day of June, 1873?

4. What are the present rates for carrying freight on your line or lines within the state of Wisconsin?

You will oblige us by furnishing the answers requested as early as practicable, sending us all printed sheets bearing upon the subjects referred to in the questions, together with any written statements necessary to render the information asked for by us full and complete.

Respectfully,

JOSEPH H. OSBORN,

GEO. H. PAUL,

JOHN W. HOYT,

Railroad Commissioners.

By ———, *Clerk of the Board.*

GEN. FT. AGENT O. E. BRITT, IN ANSWER TO CIRCULAR No. 4.

OFFICE CHICAGO, MILWAUKEE AND ST. PAUL R. R.,

MILWAUKEE, May 12, 1874.

H. A. TENNEY, Esq., *Clerk Board R. R. Com'rs, Madison:*

DEAR SIR:—Replying to yours of the 11th, I beg leave to enclose you tariffs bearing date January 27, 1873, which were in force June 1, '73.

I see it announced that the Mineral Point road has notified the Commissioners of a willingness to comply with the law. It has doubtless occurred to the Commissioners that a road of the length of the M. P., if they could get the rates of the law, would probably make more money than they have been making.

I see the Commissioners are about to prepare a classification. I hope they may be successful. I have been nine years trying to perfect one, so as to harmonize with other roads.

Truly yours,

O. E. BRITT, *G. F. A.*

THE COMMISSIONERS TO MR. BRITT.

OFFICE OF THE RAILROAD COMMISSIONERS,

MADISON, May 13, 1874.

O. E. BRITT, Esq., *Gen. Freight Agent Mil. & St. Paul R. R. Co.:*

DEAR SIR: Yours of yesterday, enclosing freight tariffs in force on your road, June 1, 1873, is received.

We thank you for your suggestions, and shall warmly appreciate any further suggestions or information which you may feel inclined to offer us at any time.

It is not improbable that we shall desire your opinion, in due time, at length, as to the comparative operation of the present law on long lines of road.

You say you have been nine years trying to perfect a classification that would harmonize with other roads. Probably you are already aware that the commissioners appreciate your labors in this direction, from the fact that they have adopted, for the present, the results of your experience.

The difficulties you have encountered in this particular, very naturally suggest the question whether discrepancies of this class could not be more efficiently harmonized by means of some general regulations, imposed under the authority of the state, than by individual effort in behalf of railroads. At the proper time we shall probably submit to you some questions of a formal character upon these and other points, and simply refer to the matter now individually, so that your opportunity for a full consideration of the whole subject may not be limited as to time.

Very respectfully,

J. H. OSBORN,
GEO. H. PAUL,
J. W. HOYT,
Commissioners.

Attest: H. A. TENNEY, *Clerk.*

GEN. FT. AGT., F. O. WYATT, IN ANSWER TO CIRCULAR NO. 4

WISCONSIN VALLEY RAILROAD,
TOMAH, WIS., May 12, 1874.

To the Honorable Board of Railway Commissioners of the State of Wisconsin:

Herewith I send you local passenger and freight tariffs in use on the Wisconsin Valley Railway. Classification of articles you will find on freight tariff. The road has been running to the crossing of the Wisconsin Central Railway, 14 miles above Centralia, since December 20, 1873, on same freight tariff as charged to Centralia, excepting on lumber, which has been one dollar per car higher, or \$15.00 per car of 10 tons. Central crossing to Tomah, distance 60 miles, lumber, lath and shingles have been carried at same price per car load.

The road is being extended, and will be running to Knowlton, 70 miles from Tomah, about June 1, 1874, when new tariffs will be issued, and your body will be furnished with copies thereof.

Our passenger tariff from 16th of June, 1873, to 28th of April, 1874, was 5 cents per mile. You will observe at the latter date we changed to comply with the law.

Yours respectfully,

F. O. WYATT.

THE COMMISSIONERS TO MR. WYATT.

MADISON, May, 13, 1874.

F. O. WYATT, *Supt. Wis. Valley R. R., Tomah, Wis.:*

DEAR SIR: We acknowledge, with pleasure, your letter of May 12th, together with copies of "freight and tariff No. 1," and of your passenger tariff to take effect April 28, 1874, from which it appears that your company not only intend to comply, but are complying with the law as to both freight and passenger tariffs. The spirit, as well as the language of your communication, warrant the assumption that the new freight tariffs to be issued June 1, 1874, will also conform to that provision of the law which says: "no individual, company or corporation, operating, managing or leasing any railroad mentioned in class "C," (to which the Wisconsin Valley Road belongs), in the first section of this act, shall receive a greater or higher rate for carrying freight than was received by said individual, company or corporation, for carrying such freight on the 1st day of June, 1873." [See sec. 5, ch. 273, Laws of 1874.]

Thanking you for your prompt response to our inquiries, we have the honor to be,

Very respectfully,

J. H. OSBORN.
GEO. H. PAUL,
JOHN W. HOYT,
Railroad Commissioners.

By H. A. TENNEY, *Clerk of the Board.*

SUPT. L. A. EMERSON IN REPLY TO CIRCULAR No. 4.

FOND DU LAC, WIS., May 12, 1874.

Messrs. OSBORN, PAUL and HOYT, *Railroad Commissioners, Madison, Wis.*

GENTS:—Agreeably to your request of the 8th inst., I send you herewith our latest freight tariff and classification which have been in effect since 1872. We are revising our classification and will make some slight changes in freight tariff. Any suggestions you may offer will be gratefully received and duly appreciated.

I remain, yours very truly,

L. A. EMERSON,
Acting Superintendent.

THE COMMISSIONERS TO SUPERINTENDENT G. W. COBB.

OFFICE OF THE RAILROAD COMMISSIONERS,

MADISON, May 15, 1874.

G. W. COBB, Esq., *Seperintendent Mineral Point Railroad*:

DEAR SIR:—We acknowledge with much pleasure your letters of May 9th and 12th, enclosing instructions to agents, and accompanied by pamphlets and published sheets, showing passenger tariff to take effect May 15, 1873, and and freight tariffs taking effect September 10, 1868, June 6, 1870, July 1st, 1873, and May 1st, 1874. Also tendering the commissioners and clerk of the board passes on your line, which we deem proper respectfully to decline.

The commendable promptitude with which you have acted, coupled with the cheerfulness of your compliance with the spirit, and as we believe with the letter of the law, affords the commission encouragement to hope that a majority of the railway companies of the state will in like manner comply with the provisions of chapter 273.

Touching the particular matters of your local freight tariff, we ask your attention to section 6 of said chapter, which provides that no corporation, etc., doing, etc., any railroad business in Class "C" (to which your road belongs) shall receive a greater or higher rate for carrying freight than was received by said company for carrying such freight on the first day of June, 1873. It so happens that none of the tariff sheets forwarded are of that date. When you have made sure that the tariff rates shown in MS., herewith returned, is not in excess of those charged June 1, 1873, you may know that you have complied with the law in respect to freight.

Respectfully yours,

JOSEPH H. OSBORN,

GEO. H. PAUL,

JOHN W. HOYT,

Railroad Commissioners.

By H. A. TENNEY, *Clerk.*

SUPT. W. G. SWAN, IN ANSWER TO CIRCULAR NO. 4.

HUDSON, Wis., 16th May, 1874.

JOSEPH H. OSBORN, GEO. H. PAUL, JNO. W. HOYT, *Railroad Commissioners,*
Madison, Wis:

GENTLEMEN: I have before me your communication of the 8th instant, wherein you propound to me certain interrogatories respecting the rates charged for transportation of freight over this company's road at present, and those charged on the first day of June, 1873; also, as to the classification of freight as now arranged.

In reply, I beg to respectfully state, that we have made no change in local rates since the line opened between Elroy and St. Paul, Nov. 25, 1872. With reference to through rates, will say, it has been customary for all lines running from Lake Michigan ports (say, Chicago or Milwaukee to the Mississippi river), to issue a through tariff every spring, giving lower rates than those current during the winter months. This has been done to enable the dealers in St. Paul, Minneapolis, and at other principal points contiguous to the Mississippi Valley, to procure their goods at Milwaukee or Chicago, in competition with St. Louis and other lower sources of supply. Therefore, while our through rates of to-day are no higher in any case than those current on the first of June, 1873, they are in all cases materially lower than those in effect April 1, 1874, and during the previous winter months.

I send you, herewith, a set of our tariffs, together with our classifications of freight, which you will find to give all desired information in detail, and also to illustrate the changes made from winter to summer schedules as hereinbefore referred to. In this connection, allow me to call the attention of your honorable board to the fact that, during the fall of 1873, when, acting under instructions from the full board of control, the local managers of other lines in the state prepared and put into effect, about September 15, advanced rates from all local points upon their respective roads, the West Wisconsin management, being composed exclusively of gentlemen whose entire personal interests are located in and identified with our state, were unable to recognize either the justice or expediency of making any advance; consequently, all rates current during the summer of 1873, were maintained intact during the moving of the heavy crops in the fall, and they are yet in force. I mention this fact as a matter of justice to this company other lines having recently restored their summer rates (of 1873), while we, having previously made no advance, have not found occasion to make any reduction in order to place our rates upon a more equitable and satisfactory basis.

You conclude your communication as follows: "You will oblige us by furnishing the answers requested as early as practicable, sending us all printed sheets bearing upon the subject referred to in the questions, together with any written statements necessary to render the information asked for by us, full and complete."

Perhaps you did not intend to call out any information not directly bearing upon the subject of rates; but as your language admits of a wider interpretation, I cannot pass the opportunity without attempting in an informal way to place before you for consideration some general information respecting this road; its construction; cost of operating, net revenue, etc., that, in our opinion, directly bears upon its relation to the country through which it passes, to its patrons upon whom it depends for its support, and to the state, from which it received such of its powers, franchises and privileges as gives to it a corporate existence, and enables it to hold and use its property—only subject to such wise and required legislation as the state may, under constitutional limitations, choose to prescribe.

The charter of this company was passed by the legislature during the session of 1863; was approved and became a law of the state, April 1, 1863.

This charter, among the numerous powers and privileges granted therein, provides in section seven (7), that: "The directors shall have power to prescribe a tariff of prices for the transportation of freight and passengers, and to alter or change the same; or, in their discretion to empower the superintendent or other agents to prescribe or alter such tariffs."

Relying fully upon the assurance given by the state, as contained in the paragraph quoted, this company proceeded to construct its present line and to negotiate for the money required for the purpose. This assurance or pledge upon the part of the state, furnished the basis upon which the company was enabled to successfully prosecute such negotiations, and upon which its bonds were taken by the first or original holders. Had the good faith and honesty of the state, in giving the assurance, been for a moment questioned, it is needless to say that the bonds could never have been sold, consequently the road that has so largely contributed to the development of the natural resources of Northwestern Wisconsin, would never have been constructed.

Upon the question as to the *legal* right of the state to break its faith, so solemnly pledged and to withdraw, *after the investments were made and the work completed*, the assurance it so voluntarily proclaimed as an inducement to secure the building of a much needed outlet for the products of this territory, I have no desire now to enter, but wish simply to present to your honorable board certain premises, from which you may readily conclude that the exercise of such a right (assuming it to exist), as applied to this company, would be an act of the grossest injustice and productive of irretrievable disaster, not alone to the innocent holders of its securities (whom it would defraud), but to the agricultural and industrial interests of the state so largely dependent upon the operation of the road for their present and future prosperity. The management disposed of an amount of bonds barely sufficient to meet the original cost of construction; since which it has always been the aim of the company to make such reasonable rates for passenger and freight traffic as would enable them to satisfy the interest maturing semi-annually on these bonds held by investors in Europe and America; and I am free to say that only by the most rigid economy in the operating of the road and conduct of its business, has it ever been able to realize net earnings sufficient to promptly meet these legitimate and important obligations.

The stockholders having great confidence in the future welfare of the state, as a result of her valuable systems of railways, being content to await a growth of traffic and consequent increase of net revenue, before realizing any returns from their investments.

This line as you are undoubtedly aware, runs through a new country, sparsely settled, with a corresponding scarcity of business, and will not in the near future, prove at all profitable to any company who would assume to operate it. By way of explanation I will say, that a road cannot be considered as being profitably operated, that cannot earn sufficient money above running expenses, to pay the interest on its bonded indebtedness, a fair interest upon

the amount of its capital stock, and at the same time leave a fair surplus, with which to make necessary renewals of track, superstructures and rolling stock.

I have observed in the press of the state, at different times, a statement credited to His Excellency, the Governor, to the effect that this road was being operated at an average expense of forty per cent. of its gross earnings. This is far from being the case, as the operating expenses of the road will average not far from sixty per cent. of its gross earnings, leaving, say, forty per cent. for net earnings, with which (it being barely sufficient) to pay the interest on its bonded debt. It is, I presume, generally known in the state, that the road was economically built without any profit to the management or contractors, and was mortgaged for only the actual cost of construction.

The country traversed is of such a nature, that some heavy grades were unavoidable, and over these grades it is impossible to haul more than sixteen loaded cars, notwithstanding our motive power is of the greatest working capacity, and of the most recent and improved manufacture, being from the justly celebrated locomotive works of Burnham, Parry, Williams & Co., (Baldwin Locomotive Co.) of Philadelphia. I may mention in comparison, that an engine inferior in power, can and does pull a train of thirty-two cars loaded with wheat, from the Mississippi river over the Green Bay and Minnesota Railway to Green Bay, with no greater consumption of fuel or train expense than is required to take a train of maximum weight (say sixteen cars) over this company's road in either direction. There are other roads in the state, the grades of which are undoubtedly as much more favorable to the movement of heavy traffic, as compared with the Green Bay road, as that road is more favorable than our own line.

What applies as a disadvantage in the movement of freight, likewise affects unfavorably the movement of passenger trains on the line. It is, therefore, patent that a company operating a road through a new country and under the special disadvantages before enumerated, cannot be expected to obtain an amount of revenue above expenses, at all proportionate to the net earnings realized by competing lines, where the cost of operating, together with the amount of business in gross, is so much more favorable for such other lines.

The chief traffic of this road, upon which the company must, for the present, depend for its revenue, is the movement of freight covered by the special classes, such as wheat, lumber, agricultural implements, etc., and upon these, the rates prescribed in your circular of recent date apply with terrible and ruinous effects. In the case of lumber, our producing points are all within, say twenty-five miles of Camp Douglas, the point at which the bulk of the shipments diverts to the Milwaukee and St. Paul Railway—our average haul being only about 16 miles—(and theirs much greater), for which our present average rate per car load of six thousand feet of lumber is, say about \$13.50; while the rate proposed for our government is but eight dollars per car load for any distance within the stated twenty-five miles.

Should the company be compelled to accept the prescribed rate, it would forthwith suffer a loss of nearly, if not quite, fifty per cent. in this source of revenue alone.

Again, should this company be compelled to pro rate with the Milwaukee and St. Paul Company, and accept its proportion of the through rates provided by the so called Potter Law, according to its actual distance, its revenue would be reduced at least seventy-five per cent., and it would be unable to collect one-half of the actual cost of performing the service (including use of cars, etc.), thus destroying at one fell blow, the entire lumber producing interests upon this line. Let me here say, that so far as I have been informed, our lumber rates have heretofore given general satisfaction to everybody concerned.

A careful analysis and comparison of rates on wheat, agricultural implements and other enumerated *specials*, shows that our revenue from their transportation would be reduced from forty-five to sixty per cent., or upon an average, more than fifty per cent., providing that the company should be obliged to accept the proposed special and reduced rates, provided by your announced schedule.

A comparison made by yourselves, upon basis of the printed tariffs sent you herewith, will fully justify these conclusions, and will, I am sure, convince your honorable board and all other fair minded men, that it will be inexpedient upon the part of the state authorities or any of the people of the state, to jeopardize and undoubtedly destroy all future usefulness of this line as a carrier of freights or passengers. To such as will, through ignorance or mistaken zeal, contribute to so disastrous a result, will, for all time, be attached a grave responsibility, and the people of this section, whose dearest interests are so vitally dependent upon the continued operation of the road, will assuredly not fail to hold them to a strict accountability for the grievous wrong sustained through the violation of the best faith of the commonwealth, and by the suppression of a corporation created expressly by virtue of that faith.

Having a firm confidence in the future greatness of this state, we desire to continue to operate the line upon terms just and fair, as between the patrons of the road and those gentlemen who, relying upon the personal integrity of its management and the provisions of its charter as guaranteed by the state, have invested their capital in the enterprise; and we believe that much can and will be done through such continued operation, towards the advancement of the best material interests—both manufacturing and producing—of north-western Wisconsin.

It is earnestly to be hoped that this great question will soon cease to be made use of by designing and unscrupulous politicians, in order to secure preferment from a deluded people, which they could never hope to obtain upon their merits as men, and that an industrious and intelligent people will soon realize that it is through the encouraging and fostering of all legitimate railroad enterprises—both new and old—that the continued development of the natural resources and solid property of Wisconsin most largely depends.

In conclusion, I beg to assure you, gentleman, that we wish at all times to show equal and proper respect to the laws of our state and the rights of all with whom we may have business relations; and if at present, the reduced

rates of compensation for services performed are not accepted, it is, first, because the law of self preservation is paramount in the human breast; and secondly, because we have been advised by our legal counsel that a decision by the supreme authority of our country fully sustaining and endorsing the position we are now forced to occupy, will be rendered at an early day.

We also find in Wisconsin Law Reports, Vol. 25, in case of "Whiting v. The Sheboygan & Fond du Lac Railway," a most elaborate and exhaustive opinion rendered by Chief Justice Dixon, and concurred in by the entire bench, bearing directly upon the legal points involved in the present unfortunate issue between the state and her railway proteges.

From this judicial opinion, I beg to briefly quote: "The power of the legislature to regulate the tolls and charges of such (railway) companies, is in itself a limited one, if not in a constitutional sense, certainly in the sense of morality and justice. If there be not an express, there is certainly an implied obligation and promise on the part of the state never to reduce the tolls and charges below a standard which will be *reasonable, or which will afford a fair and adequate remuneration* and return upon the amount of capital actually invested."

This obligation and promise, which spring from the act of incorporation and invitation by the state to persons to invest their money in the stock, it is presumed no legislative body would disregard. The true intent and object of the power is, that the legislature shall be able to protect the rights and interests of the people, but not that it shall *arbitrarily* or unnecessarily impair the rights or franchises of the company, or destroy the property of its stockholders.

The good faith of the state is pledged against this, and it is not within the range of presumption that it will ever be done. The individuals owning the property, and whom the corporation represents, purchase it under this pledge and inducement held out by the state.

The legislature will not reduce the tolls or rates to an unreasonably low figure, or so as to disappoint the just expectations of the owners of stock. It will not destroy the earnings of the road or cut off satisfactory dividends upon the cash capital paid in, if the business of the company is such as to afford them. In fine, it will hold the company only to the receipt of *reasonable* tolls, and this with a view to the nature and extent of its business, the expenses necessarily incurred by it, and the amount of capital invested.

The legislature will not cut down the tolls unreasonably with a view to compensating the loss of the company by taxing the community at large, for that would be to defeat the very principle upon which all these companies are organized and roads built. That principle is, that those persons should pay for the building and operating of the roads *who use them and as they use them*.

They pay their taxes for these improvements when they pay their tolls.

This opinion cannot fail to have due weight with the courts of the state, and with the supreme court of the United States, should any appeal be taken thereto.

We shall take pleasure in placing before you, at any time you may visit us' all books, accounts and papers that will assist you in making a personal examination into the operating affairs of the line; or I will cheerfully respond at all times to any demands you may be pleased to make upon me for information, of either a general or special nature, connected with the subject.

I have probably written more than your communication called for, and will ask your indulgence for such matter as you may deem to be irrelevant to the main points under consideration.

Please accept assurances of our high personal and official esteem, and believe me to be,

Very respectfully, your obedient servant,

WM. G. SWAN,

For the West Wisconsin Railway Company.

THE COMMISSIONERS TO SUPERINTENDENT SWAN.

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, May 23, 1874.

WM. G. SWAN, Esq., *Gen'l. Sup't. West Wisconsin R. R.*

DEAR SIR:— Your letter of May 16, is received, without the enclosure of freight rates to which you refer. Please forward the latter by return mail, or as soon as practicable.

We thank you for the courteous manner in which you convey to us much information in detail as to the history and condition of your road. We frankly assure you, as far as this commission is concerned, that no disposition exists to discourage railroad enterprise, or to place unreasonable burthens upon capital invested in this direction. The interpretation of the law is not left with us, but with the courts, as to many of the questions raised by you. It is our plain duty, however, to investigate facts with a view to the intelligent action of the legislature; and we sincerely believe that when the facts are ascertained and rendered intelligible to the public, there will be found no just cause of complaint on the part of the roads. We regret that until that time the roads do not all feel it a duty to respect the law as it is.

The Governor informs us that you are in error as to a remark supposed by you to have been made by him, respecting the West Wisconsin road. Mr. Spooner of your company casually remarked to him that your operating expenses ranged between forty and sixty-three per cent., and he simply referred to this expression of opinion.

Respectfully,

J. H. OSBORN,

GEO. H. PAUL,

JOHN W. HOYT,

Commissioners.

INTER-STATE CONFERENCE OF RAILWAY COMMISSIONERS.

THE ILLINOIS TO THE WISCONSIN COMMISSIONERS.

OFFICE OF RAILROAD AND WAREHOUSE COMMISSIONERS,
SPRINGFIELD, July 13, 1874.

SIR: We have for some time entertained the belief that a meeting for conference of the Railroad Commissioners of this and the surrounding states would be of great advantage to those participating therein, and therefore very respectfully suggest that the Railroad Commissioners of Iowa, Minnesota, Wisconsin and Illinois meet at some central point—say Dubuque, Iowa—about the 10th of August, for the purpose of an interchange of opinions pertaining to the railroad laws of the several states mentioned, and such other matters as may have a bearing upon the subjects with which it is made our duty to consider in our official capacity.

Before taking any further steps in the direction indicated, we would be pleased to have a full expression from your commission as to the propriety, in your judgment, of holding such conference.

I am, very respectfully yours,

JNO. M. PEARSON,
Chairman R. R. Com. Illinois.

Hon. JOSEPH H. OSBORN,

Chairman R. R. Commissioners of Wisconsin, Madison, Wis.

THE WISCONSIN TO THE ILLINOIS COMMISSIONERS.

MADISON, July 17, 1874.

Hon. JNO. M. PEARSON, *Chairman R. R. Commissioners of Illinois:*

SIR: Yours of the 13th inst., proposing a meeting of the Railroad Commissioners of Iowa, Minnesota, Wisconsin and Illinois, is at hand. In reply, we would state that the purpose meets with the cordial approval of this board, your call anticipating previous similar action which we had considered and decided upon. We regard the course you suggest as not only entirely proper and judicious, but a matter of necessity prompted by existing circumstances.

We shall await positive notice of the time and place you may select for the meeting, and will arrange to be present.

Very respectfully yours,

WISCONSIN RAILROAD COMMISSIONERS.

By J. H. OSBORN.

P. S.—We have no *permanent* chairman.

THE ILLINOIS TO THE WISCONSIN COMMISSIONERS.

SPRINGFIELD, July 24, 1874.

GENTLEMEN: Upon the consideration by this board of the informal correspondence had with the several railroad commissioners of the northwestern states, concerning a proposed joint conference, it has been decided by this commission to call a convention at Dubuque, Iowa, August 12, next, at one o'clock P. M., at the Julien House. Your participation therein is respectfully requested.

I am, very respectfully yours,

JNO. M. PEARSON,
Chairman.

To the Hon. RAILROAD COMMISSIONERS OF WISCONSIN, Madison, Wis.

MONDAY, July 27, 1874.

At a meeting of the Railroad Commissioners held this day, Mr. Hoyt offered the following resolutions, which were adopted:

Resolved, That this commission do hereby accept the invitation of the Railroad and Warehouse Commissioners of Illinois to meet them and the Railroad Commissioners of the other Northwestern States in a joint conference at Dubuque, Iowa, on the 12th of August, proximo.

Resolved, That the clerk of this board is hereby instructed to forward a copy of the foregoing resolution to the said Illinois Commission, in reply to their communication of July 24, 1874.

Attest: H. A. TENNEY, *Clerk of the Board.*

LOSSES ENTAILED BY THE "POTTER LAW."

TO THE GENERAL FREIGHT AGENTS OF THE RAILROADS
CLASSED AS "A" AND "B."

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, July 21, 1874.

— — —, General Freight Agent:

DEAR SIR:—Can you conveniently furnish us an answer to the following question, to-wit:

1. What was the aggregate amount of freight in tons, etc., transported on the ——— from or to points within the state of Wisconsin during the year

1873, of the kinds and bulk named in the so called Potter Law, as "Special Classes"?

2. How many total tons of each class of freight was transported from or to points within the state?

3. What was the exact or average distance within the state for which freights belonging to each of the classes, was transported?

4. What were the total earnings within the state for the transportation of freight of the several classes named, from or to points within the state?

5. What were the total earnings for that portion of the road within the state on freight of all kinds for the year 1873?

If you cannot furnish exact answers to these several questions, will you have the kindness to furnish the approximate figures in each case?

If you cannot furnish the approximate figures in reply to each question, please to furnish as your estimate of the actual total receipts for the transportation of freight belonging to those special classes within the state, for the year 1873, and of the amount that would have been received for the same freights had they been carried under the rates as fixed by the commissioners under the law, together with your basis of calculation.

It is manifestly for the interest of all parties that the practical effect of the law in question should be fully and fairly illustrated, and hence the object of the foregoing inquiries can hardly fail of your approval.

Have the goodness to reply at your earliest convenience, and oblige,

Yours, very respectfully,

JOSEPH H. OSBORN,

GEO. H. PAUL,

JOHN W. HOYT,

Railroad Commissioners.

Attest: H. A. TENNEY, *Clerk.*

GENERAL SUPT. O. E. BRITT TO THE COMMISSIONERS.

OFFICE C. M. & ST. PAUL R. R. Co.

MILWAUKEE, July 23, 1874.

JOSEPH H. OSBORN, GEO. H. PAUL AND JOHN W. HOYT, *Railroad Commissioners, Madison, Wis:*

GENTLEMEN: Your valued communication of the 21st has been received and carefully noticed.

It would afford me great pleasure to furnish you with the information asked for, but the fact is, it is next to impossible to do so. Our statistics are so kept the information cannot be derived from them. It could be got by an examination of each Way-Bill made in the state in 1873. The magnitude of the job you will realize when I tell you there are about 250,000 of them. The very thought of it in the months of July and August makes the (cold ?) sweat

start. It would require a good sized commercial college force to do the work, and would beat me out of a season's vacation.

I beg leave to offer you the following as approximating to some of the information asked for.

On the 19th of March last I furnished the General Manager with the following statement:

"By actual calculation the loss to this company by the Potter Law, as compared with present tariffs rates, would be on the business of 1873, as follows:

On grain, flour and live stock	\$200,152 00
Estimated loss on lumber, agricultural implements, and other car-load freight in the special classes.....	71,000 00
	<u>\$271,152 00</u>

Signed, O. E. BRITT, *Gen'l Ft. Agt.*

On the 27th of April we issued new freight tariffs for the state, which would reduce the earnings on our volume of business equal to that of 1873, at least \$50,000.

Applying the legal or Potter Law rates with this tariff now in force, to the same volume of business, would involve a further loss of over \$220,000. I do not see with the material I have at hand how I can do more for you.

Respectually yours,
O. E. BRITT, *Gen'l Ft. Agt.*

CHICAGO, July 25, 1874.

DEAR SIR: I have your letter of the 21st inst., requesting me to furnish you with the tonnage and earnings on special classes enumerated in the so called Potter Law, transported within the state of Wisconsin during the year 1873.

Our statistics do not show the amount of specials transported, nor the earnings on the same, within the state, separately, and to make up the statement as you request, would involve the examination of over 500,000 way-bills, with a mathematical and mileage calculation on each class of goods in each of the said way bills. This would take an army of clerks many months and at a cost of not less than \$25,000.

To keep the statistics in a way to answer your questions, would be about as practicable on a railroad, as it would be for the cashier of a large city bank to keep a record of the number, date and signature on each bank note passing through his hands every day.

From my experience of our business, it is my judgment that the amount of earnings affected by the Potter Law on special classes, would not be less than two million dollars (\$2,000,000), and the reduction from the present tariff by conforming to it, would be at least 25 per cent., or a loss of over \$500,000.

Yours truly,

C. C. WHEELER,
Gen'l Freight Agent.

To Messrs. J. H. OSBORN, GEO. H. PAUL and JOHN W. HORT, *Railroad Commissioners, Madison, Wis.*

[CIRCULAR No. 5.]

INQUIRIES CONCERNING LOCAL AID TO RAILWAY COMPANIES.

[Answers Tabulated under head of Railway Statistics.]

**OFFICE OF RAILROAD COMMISSIONERS,
MADISON, June 20, 1874.**

To — — Clerk of the Board of Supervisors of — County:

DEAR SIR:—The Railroad Commissioners having need of more full and accurate information in regard to the amount of aid the several railroad companies of the state have received from counties, towns and cities, in cash, bonds, or stock subscriptions, than has yet been furnished under chapter 110 of the Laws of 1872, we request that you will, at the *earliest practicable moment*, answer the following inquiries, as correctly as possible from the records of your office.

Please be careful to keep separate the items relating to EACH Railroad.

1st. Was any aid to railroads ever *authorized* to be rendered either from your county, town, city or village?

2d. What kind and amount *authorized*? date? to what company?

3d. Amount of aid *actually rendered* (including estimated value in right of way)? the kind? to what company? Specify particularly.

4th. Amount of principal which has been paid on bonds, and on account of what company?

5th. Amount of cash subscription paid without return of stock, and to what company?

6th. Amount of stock subscriptions paid, and to what company?

7th. Amount of interest paid, and on what?

8th. Amount of stock certificates or other evidence of value received in *return* for bonds, if any?

9th. Amount of cash realized from said stock certificates or other evidence of value, if any?

10th. Amount of stock certificates or other evidence of value on hand?

11th. Amount of your bonds now outstanding?

12th. Amount of your interest now due and outstanding?

J. H. OSBORN,
GEO. H. PAUL,
J. W. HOYT,
Railroad Commissioners.

By H. A. TENNEY, *Clerk of the Board.*

[CIRCULAR No. 9.]

INQUIRIES CONCERNING FARM-MORTGAGE AID.

[Answers tabulated under head of Railway Statistics.]

OFFICE OF RAILROAD COMMISSION,
MADISON, July, —, 1874.*Register of Deeds, ———, Co., Wis.:*

DEAR SIR: Please forward at your earliest convenience, a list of all mortgages on record in your office, given in aid of railroad companies, including the following items, to wit:

Date of mortgage; name of grantor; name of grantee; for what sum given; rate of interest; when due; date of release, if any.

Please forward bill for services to this office, to be presented for allowance to the next legislature. Should there be with the clerk of the court of your county any data of litigation in regard to public aid given to railroads, or in regard to the foreclosure of any of the mortgages referred to, please add the same to your report, and include charges for same in your bill. What the commission desire is, full, complete and reliable information on the subject of this inquiry.

Very truly yours,

J. H. OSBORN,
GEO. H. PAUL,
J. W. HOYT,*Railroad Commissioners.*By H. A. TENNEY, *Clerk of Board.*

[CIRCULAR No. 10.]

INQUIRIES CONCERNING LOCAL AID.

[Answers tabulated under head of "Statistics of Railway Companies."]

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, July 20, 1874.*To the President of ——— Railroad Company :*

DEAR SIR: I am instructed by the Railroad Commissioners to request from your company a statement of what amount of aid, if any, it has received from counties, towns, villages, cities or persons, in the way of bonds, right of way, depot grounds, mortgages or other public gifts or gratuities. Also state rate of interest, when due, from whom received, how disposed of by the company, and what value was realized therefrom.

Very respectfully yours,

THE COMMISSIONERS.

By H. A. TENNEY, *Clerk of the Board.*

PRESIDENT ALEX. MITCHELL TO THE COMMISSIONERS.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

MILWAUKEE, September 8, 1874.

GENTLEMEN: — While we do not recognize the right or power of the legislature to fix the compensation of railway companies, for the transportation of freight and passengers, as attempted by chapter 278 of the laws of 1874, we do not dispute the right to appoint commissioners and devolve upon them the duties usually appertaining to that office.

You have heretofore been informally notified of our readiness to exhibit our books and the records and papers of this office to your inspection, and to furnish you any information you may require relative to the management, condition, income, and expenditures of the company.

That there may be no misapprehension on the subject, I would say, that we will, whenever requested, exhibit to you at our office, any and all books, papers and records of the company relating to its management, present condition, income and expenditures, and will furnish you every thing necessary to enable you to make a complete and thorough examination in relation thereto, and the manner of transacting our business; and on request will furnish you any information you may reasonably ask, and in our power to give.

His Excellency, Governor Taylor, in a recent public address, is reported to have stated on the authority of the Railroad Commissioners, that the "Potter law" entailed on the roads mentioned in class "A," a loss from the tariffs in force at the time of its passage of only about five per cent. of their gross earnings. I am aware that the Commissioners would not intentionally misrepresent the position of the railway companies, but it will certainly be unfortunate for all concerned if statements so inconsistent with the facts are given out, when the Commissioners have ready access to correct information, and the power to absolutely verify its truth.

We are especially desirous that any report you may make, should state the facts correctly in regard to this company, its officers and management, and with that view tender to you every facility to make a complete and full examination of the books, papers and records of the company.

Yours very respectfully.

ALEX. MITCHELL.

To Messrs. GEO. H. PAUL, JOHN W. HOYT, JOSEPH H. OSBORN, *Railroad Commissioners of the State of Wisconsin.*

COMMISSIONER HOYT TO PRESIDENT MITCHELL.

OFFICE OF RAILROAD COMMISSIONERS,

MADISON, September 9, 1874.

HON. ALEX. MITCHELL, Pres. C. M. & S. St. Paul R. R. Co., Milwaukee, Wis.

DEAR SIR: Owing to the temporary absence of both of the other Commis-

sioners, and illness on my part confining me to my house, some delay in acknowledging your esteemed favor of the 3d inst. has been necessary.

While the prompt and courteous manner in which the officers of your company have responded to our inquiries heretofore, and the informal assurances we have had from some of them have induced the belief that no refusal would be made to any reasonable request for information in the future, it will be to the Commissioners additional satisfaction to know that your denial of the validity of the law under which the Commission was organized, is mainly or wholly confined to those provisions which "fix the compensation of railroad companies for the transportation of freight and passengers," that you "do not dispute the right to appoint Commissioners, and devolve upon them the duties usually appertaining to that office."

It has been our purpose, in the fulfilment of our plan of conducting the work of the Commission, to supplement our study of the important general questions involved, and our inquiries into the history of railway construction, legislation and management in this state, as derivable from public and published records, by a careful examination of the books and records of the several railway companies, and it will be a source of satisfaction that you have been pleased to anticipate our request, by politely inviting the Commission to make such investigation of the records of the Chicago, Milwaukee and St. Paul railroad Company.

Touching your allusion to "a recent public address" by His Excellency, Governor Taylor, in which he is reported to have made certain statements concerning the loss entailed by the Potter Law on the roads mentioned in class "A," I am not able to speak advisedly, my illness having prevented the reading of the address at the time of its publication, and no copy of the same being now at hand.

I may say, however, that from data contained in the published reports of the Chicago, Milwaukee and St. Paul Railroad Company, and data furnished upon request by the general freight agent of the company, the Commission have mathematically reached the conclusion that the difference between the receipts of that company on the freight business of 1873, had the same been done under the tariffs adopted by it last April, and the amount that would have been received on the same business had it been done under the provisions of chapter 273 of the laws of 1874, is less than five per cent., the calculation being confined to the business done within the state.

You are perfectly right in assuming that the Commission have no other purpose than to deal justly and impartially with the important matters entrusted to them; and that they fully intend to make their official report as complete as possible, and trustworthy in every respect.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN W. HOYT,
Railroad Commissioner.

[CIRCULAR No. 12.]

INQUIRIES AS TO ACTUAL PRESENT VALUE OF RAIL-
ROADS.

[Addressed to all Wisconsin Railroad Companies. Answers published in another portion of
this volume.]

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS,
MADISON, Sept. —, 1874.

To ———— :

The undersigned Railroad Commissioners, being required by law to report to the state upon the cost of all lines of railway within the state, have, by resolution, determined to request of each of the several companies owning and representing the same, to procure and submit to the Board a detailed estimate of the *actual present value* of the road or roads, and each branch or division thereof, if branches or divisions exist, under their control in this state; such estimate to be made regardless of original cost or capital, or of debt incurred therefor, and to specify separately the present estimated cash value of the real estate, right of way, grading and masonry, bridges, superstructure, station and other buildings, engines and cars, and of every other sort of equipment and property belonging to each of said roads and essential to their operation, respectively, as aforesaid; such estimate to be so made, likewise, as to include a statement of the sources of information, as far as may be, upon which the estimate in each case is based,—whether upon actual observation by officers, or upon special surveys and calculations by engineers or others having practical experience in the construction of the road or branches described.

In pursuance of this resolution, we respectfully request of you such an estimate of the ——— Company's road at the earliest day practicable. With a view to mutual convenience, as well as to completeness and uniformity of the estimates reported, we enclose herewith a blank form, upon which please insert said estimate in detail.

We have the honor to be,

Very respectfully,

JOSEPH H. OSBORN,
GEO. H. PAUL,
JOHN W. HOYT,
Railroad Commissioners.

Attest: H. A. TENNEY, *Clerk of the Board.*

!

Present Cash Valuation of the ——— Railroad.

	Dolls.	Cts.	Dolls.	Cts.	Re- marks.
<i>Construction of ——— Line.</i>					
1. Right of way, as per accompanying schedule*
2. Land for depots, stations, etc., as per schedule
Total cash valuation of all lands purchased
3. Grading, as per schedule.....
4. Masonry, as per schedule [No. culverts ———; No. bridges ———; No. tunnels ———].....
5. Bridging, as per schedule, [No. iron bridges ———; No. wooden bridges ———].....
Total cash valuation of substructure...
6. Ties and tying.....
7. Iron rail: [No. miles ———; lbs. wt. per yd.—]
8. Steel rail: [No. miles ———; lbs. wt. per yd.—]
9. Chairs, spikes, fish-bar, frogs and switches
10. Laying track.....
Total cash valuation of superstructure.
11. Passenger stations and fixtures, as per sched- ule..... [No. Stations ———]
12. Freight stations and fixtures, as per sched- ule..... [No. stations ———]
13. Engine and car shops, as per schedule, [No. ———].....
14. Machine shops, as per schedule, [No. ———].
15. Machinery and fixtures, as per schedule, [No. ———].....
16. Engine houses, as per schedule, [No. ———]
17. Car sheds, as per schedule..... [No. ———]
18. Turn tables as per schedule..... [No. ———]
19. Wood sheds and water stations, as per sched- ule..... [No. ———]
20. Fencing..... [No. miles ———]
21. Elevators, as per schedule..... [No. ———]
Total cash valuation of buildings of every sort, fencing, etc.....
22. Engineering expenses before and during construction.....
23. Salaries of officers and agents essential dur- ing construction.....
Total cost of engineering and official management during construction....
24. Incidental expenses.....
Total cash value of line unequipped
<i>Equipment of ——— Line.</i>					
25. Locomotives, as per schedule.. [No. ———].
26. Snow plows on wheels, as per schedule. [No. ———].....
27. Pass. cars, 1st cl., rated as 8-wh'l cars [No. —]
28. Pass. cars, 2d cl....do.....do.... [No. —]
29. Baggage cars.....do.....do.... [No. —]
30. Mail cars.....do.....do.... [No. —]
31. Express cars.....do.....do.... [No. —]
32. Freight cars.closed do.....do.... [No. —]
33. Platform cars.....do.....do.... [No. —]
34. Machinery and tools to accompany trains
Total cash valuation of equipment.....
Grand total cash value of line equipped
* Schedule to be list of items forming the aggregate.					

COMPARATIVE ACCOUNTS.

THE COMMISSIONERS TO THE PRESIDENTS OF THE C., M. &
ST. P. R. R. AND THE C. & N. W. R. R. Cos.

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, Sept. 21, 1874.

To the President of ——— Railroad Company:

DEAR SIR: I have the honor to transmit a copy of the following resolution this day adopted by the Board of Railroad Commissioners of this state, to wit:

"*Resolved*, That the clerk of this board be directed to write to the officers of those railroad companies about to conform to the provisions of chap. 273, laws of 1874, requesting said officers, on behalf of the commissioners, to keep comparative accounts, as far as practicable, of the fare and freight charged, and amounts received under the requirements of said law, and of the amounts of fare and freight that would have been received under existing rates, for the quarter ending December 31, 1874, and report the same to the commissioners as early as possible at the end of said quarter, for the information of the commissioners and the legislature."

Attest: H. A. TENNEY, *Clerk of the Board.*

INQUIRIES FROM SUPT. W. G. SWAN.

OFFICE WEST WISCONSIN RAILROAD COMPANY,
HUDSON, Wis., Sept. 24, 1874.

H. A. TENNEY, *Clerk of Board of Railroad Commissioners:*

DEAR SIR: I am in receipt of yours dated 21st inst., and take pleasure in complying with the request therein contained. * * *

I trust the honorable gentlemen composing the board may use their authority to the best advantage with an eye single not only to the fulfilment and carrying out of the law, but also as well to protect the rights and destinies of the corporations which contribute so largely to the prosperity of the state.

Very respectfully yours,

W. G. SWAN,
Gen'l Supt.

HUDSON, Wis., Sept. 25, 1874.

DEAR SIR: I wrote you briefly yesterday. * * * There are a great many points connected with the detailed provisions of act 273, which are not fully understood up here; and in fact I doubt if they are properly understood by any management in the state. I refer to one case:

The matter of computing rates from a point on our line to a point, say on the Mineral Point Railway, or on the Sheboygan and Fond du Lac Railway,

where the distance on the *first* and *last* carrying line is twenty-five miles (or under), but the distance over the intermediate roads (of which there would be several) would be two hundred miles or upwards. *Query.* Would the first carriers be entitled to the arbitrary rate allowed for the first twenty-five miles. If not, *why* not? And how would the proportions of the other carriers be determined?

Does the law compel our road to pro rate with another in any or every case—say, for instance, on business from Wrightsville, situated on our line, only four miles from Green Bay Junction to Green Bay—the Green Bay and Minnesota road having a distance of one hundred and fifty miles? In such a case the shipment would originate with us. If we are obliged to pro rate are or would we be compelled to furnish a car to go through to Green Bay?

And if we are not obliged under the law to pro rate with long lines, what divisions will the law permit us to take of through rates from one point to another, as if both were on the same line? And where is the authority therefor?

While this company will hardly be prepared to adopt in every particular, the provisions of the act on the first of October, for the reason that we first desire light on the matter of construction to be placed upon some of the clauses, which, if taken literally, seem to be impracticable in themselves, still we trust that our course will be such as will satisfy the public as well as the state commissioners and other officials.

We would like very much to talk with the commissioners, and, I am free to say, that I am sure a meeting would result to the benefit and satisfaction of all concerned. I trust they will be pleased to make an early trip to this place.

* * * *

Very respectfully,

W. G. SWAN,

General Superintendent.

H. A. TENNEY, Esq., *Clerk of the Board.*

THE COMMISSIONERS TO SUPT. SWAN, IN REPLY.

OFFICE OF RAILROAD COMMISSIONERS,

MADISON, Sept. 29, 1874.

W. G. SWAN, Esq., *Gen'l Supt. West Wisconsin R. R. Co.:*

DEAR SIR:—I am directed by the Railroad Commissioners to make the following answer to your esteemed communication of the 25th ult., prompt attention to which was delayed by the Inter-state Conference of Railway Commissioners, but recently adjourned.

In the absence of special detailed provisions for the determination of questions which will probably arise under chapter 273, Laws of 1874, they will necessarily depend for their solution upon inference from the general terms of the law.

From the wording of the last clause of section 5 of chapter 273, to-wit

"in computing the rates for carrying any freight, according to the provisions of this act, the distance for carrying such freight shall be computed from where it is received, notwithstanding it may pass from one road to another," it would seem to be inferred, that should a company elect to receive freight for forwarding to points beyond its corporate jurisdiction, it would do so with the understanding that it assumed the responsibility of adjusting compensation with its connecting companies, equally with that for the delivery of the goods. The law provides for the manner of computing distances where freight passes over more than one road, and inferentially, also, for carrying at the maximum charges for the whole distance.

The law seems to make provision for each road separately, leaving the adjustment of compensation, as heretofore existing, between connecting companies, to themselves; defining only the conditions between each separate company and the public, and fixing the limitation of the charges.

We are led to the conclusion that although no part of the law provides directly that the companies shall pro rate one with another, yet it would seem that an absolute necessity for adjustment between them would arise, both as to compensation for carriage, as well as equipment, or else they would be constrained to refuse freights for destinations beyond the limits of their own lines and stations.

The Commissioners fully reciprocate your desire for a judicious and mutually satisfactory settlement of all questions arising from imperfections that may be found in the law, as well as of the main controversy between the railroad corporations and the public, and will be pleased to receive you in their office for the discussion of different points, and to answer your inquiries in so far as they may be able to do so.

I am very respectfully yours,

H. A. TENNEY,

Clerk of the Board.

FRACTIONAL MILES.

GEN. FRT. AGENT H. F. WHITCOMB TO THE COMMISSIONERS.

OFFICE LAKE SHORE AND WESTERN RAILROAD Co.,
MILWAUKEE, Sept. 29, 1874.

RAILROAD COMMISSIONERS, *Madison, Wis.*:

GENTLEMEN: Do you hold that we must make our fares just four cents per mile, or are we entitled to make it end with a 0 or 5? For instance, sixteen miles, at 4 cents=64. Can we charge 65, etc.?

In case of fractions of a mile, must we calculate on the fractions? For instance, the least distance may be 6.6, but we make it seven miles on our tariffs. Is this allowable?

These are questions that have suggested themselves to me, and as we de-

sire to comply with the spirit of the law, I would be glad to have your opinion.

Very truly,

H. F. WHITCOMB,

Gen'l Ft. and Pass. Agent.

DECISION OF THE COMMISSIONERS AS TO FRACTIONAL MILES.

OFFICE OF RAILROAD COMMISSIONERS,

MADISON, Sept. 30, 1874.

H. F. WHITCOMB, Esq., *Gen Ft. and Pass. Agent, M. L. S. & W. R. R. Co.:*

DEAR SIR: As a reply to yours of the 29th, the Railroad Commissioners instruct me to forward you a copy of a resolution, adopted by them, as a proper rule to govern in cases of doubt, which you present, to wit:

"Resolved, That the Commissioners interpret chapter 273 to require as rates of fare, that the exact product of the number of miles multiplied by the legal rate per mile shall be the maximum amount charged in each case; but that in cases of fractional miles, the fraction may be counted as a unit."

A true copy.

H. A. TENNEY,

Clerk of the Board.

COMMISSIONER OSBORN TO COMMISSIONER OF GENERAL LAND OFFICE.

OFFICE OF RAILROAD COMMISSIONERS.

MADISON, Nov. 7, 1874.

COMMISSIONER OF GENERAL LAND OFFICE, WASHINGTON, D. C.

DEAR SIR: I herewith enclose copy of a letter from General Hendricks to Gov. Randall, dated July 23, 1858. You will notice by it that the action of your department in the matter of the application of the La Crosse and Milwaukee Railroad Company for lands under the act of the Wisconsin Legislature of October 11, 1856, and the grant of June 3, 1856 by congress, had been delayed in consequence of the interference of Gov. Randall until the 15th of August, 1858, when, if not heard from, action would be had by your department. Will you be kind enough to inform me what action was had? Were the lands applied for ever conveyed by the United States to the La Crosse and Milwaukee railroad Company, or its "Land grant Bond holders," or "trustees or purchaser," and if so what were the names of the parties who received said lands, and also the number of acres to be received?

Very respectfully,

J. H. OSBORN,

R. R. Com'r. of Wis.

THE COMMISSIONER OF GENERAL LAND OFFICE TO COMMISSIONER OSBORN.

WASHINGTON, D. C., Nov. 20, 1874.

JOS. H. OSBORN, Esq., *Railroad Commissioner for Wisconsin.*

SIR: I am in receipt of your letter of 7th inst. and accompanying copy of a letter from this office of July 23, 1858, to Governor Randall, concerning the grant of lands of June 8, 1856, to the state of Wisconsin for the "La Crosse and Milwaukee railroads." In reply I have to state that the lists of 82 sections in the Stevens Point, La Crosse, Falls of St. Croix, Eau Claire, and Menasha districts, embracing in the aggregate 324,704 78-100 acres were approved to the state 18th December, 1863, by the department, for said named railroad, and certified copy of same furnished the Governor, December 24, 1863.

It is also shown that said amount of approved lands were charged under the act of congress of May 5, 1864, to the West Wisconsin Railroad company.

Very Respectfully,

S. S. BURDETT,
Commissioner.

COMMISSIONER OSBORN TO THE COMMISSIONER GENERAL LAND OFFICE.

OFFICE OF RAILROAD COMMISSIONERS.

MADISON, December 9, 1874.

DEAR SIR: — Your communication of November 20 was duly received.

1. In reply, I would beg leave to call attention to the act of Congress of July 27, 1868, authorizing the state of Wisconsin to dispose of so much of the land grant of June 8, 1856, to aid in the construction of the La Crosse and Milwaukee Railroad, "as may be due the state of Wisconsin for the portion of road already completed, to the Wisconsin Railroad Farm-Mortgage Land Company."

2. That June 25, 1869, Governor Fairchild certified to the Secretary of the Interior, that sixty miles of the La Crosse and Milwaukee Railroad had been completed.

3. That on the 10th of February, 1870, the commissioner of the general land office informed Stoddard Judd, President of the Wisconsin Railroad Farm-Mortgage Company, that everything had been complied with, and a certified list of lands sent to the Governor of Wisconsin on the 24th of December, 1863, and that the Governor was authorized to dispose of the land for the benefit of the Farm-Mortgage Company.

4. That March 7, 1870, Governor Fairchild executed a deed of 28,981¹⁰/₁₀₀ acres of land included in the list of 324,704 25-100 acres dated December, 1863, and subsequently on April 8, 1871, executed another deed to said Farm Mortgage Company for 39,889 11-100 acres from the list of September 28, 1870, in all 68,820 21-100 acres of land.

5. That sixty-one miles of road would entitle the Farm Mortgage Company to 234,240 acres of land, leaving a balance of 165,419 75-100 acres not received.

In view of these facts, will you be kind enough to explain how these lands (list of December 18, 1863, 324,704 78-100 acres) could be charged by your department to the "West Wisconsin Railroad grant," as stated in your letter of November 20? And, also, if the West Wisconsin Railroad Company have had the lands, or any of them included in the list of December 1863, are the Railroad Farm-Mortgage Land Company entitled to select the balance of the lands to which they would be entitled from the six to fifteen mile limits of any part of the original grant, to the La Crosse and Milwaukee Railroad Company?

An early reply would very much oblige,

Very truly yours,

J. H. OSBORN,

Railroad Commissioner of Wisconsin.

COMMISSIONER OF GENERAL LAND OFFICE, WASHINGTON, D. C.

PROPOSED MILWAUKEE AND SOUTHERN WISCONSIN NARROW-GAUGE RAILROAD.

THE CHIEF ENGINEER TO COMMISSIONER PAUL.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
SURGEON'S OFFICE, Oct. 1, 1874.

HON. GEORGE H. PAUL, *Railroad Commissioner*, Madison, Wis.:

MY DEAR SIR: Your esteemed favor of the 29th ultimo, asking my reasons for preferring the narrow gauge, in the construction of the road from this city to Beloit, is on my desk.

Referring to your questions, permit me to reply that the first consideration is the diminished cost of the three-foot gauge, as compared with the four-feet eight and one-half inches. The second consideration is the prospect of ultimately connecting with the narrow gauge system which is developing in Iowa and Colorado, and thus open communication with those vast producing regions, and assist in the solution of the problem of cheap transportation.

When a narrow gauge road is suggested, the first idea that presents itself is, as to the capacity of such a track for business. On this point, however, there is ample evidence. W. A. Greenwood, General Manager of the Denver and Rio Grand Narrow Gauge Railway says: "That the system has proved a decided success." The company has nearly 200 miles of road in operation, and as to the capacity of the road he has no hesitation in declaring it equal to that of a broad-gauge road." He could do as much business on the road as could be done on nineteen-twentieths of the usual gauge roads in the country. As to capacity, it is a question of rolling stock, and not one of the track.

Attempts are frequently made to do a large amount of business on a single track, when if the three-foot gauge had been adopted, two tracks could have been constructed at the cost of one on the usual gauge.

When the success of the first narrow gauge was assured, it was claimed that as feeders to trunk lines and where there was a small amount of business and little money to construct roads, they would be desirable; but now the field of through trunk lines is strongly contested, and it is claimed by those who have had practical demonstration of the superiority of the narrow gauge that it is more desirable in every respect than the standard gauge. To enter into detail as to the advantage of the new gauge over the old, let us begin with the first cost. Statistics shows that in this country the average actual cost of the old gauge roads have been more than \$20,000 per mile; of the new, less than \$9,000. Now as to the relative cost of transportation by the two systems.

The advantage in the narrow-gauge is in the reduced amount of dead weight in proportion to paying freight. The broad-gauge empty car weighs $8\frac{1}{2}$ tons; it will carry 10 tons of freight. An empty narrow-gauge car weighs a little less than three tons, and will carry $5\frac{1}{2}$ tons. Compare two freight trains carrying 160 tons each—the one 16 cars, the other 29:

	Paying Load.	Dead Weight.	Total Cars and Load.
Broad gauge.....	160	136	296
Narrow gauge.....	160	87	238
Saving in tons			<u>58</u>

In passenger trains, there is a difference of 262 pounds in dead weight in favor of the new gauge.

The wear and tear involved in the use of such enormously heavy locomotives as the moving of heavy broad-gauge trains require, the crushing out of rails, the breakage of draught irons, links, bumpers, and like well known expenses, are reduced to a minimum in the new system.

In reference to the road from Milwaukee to Beloit, much of which is already graded, with many of the abutments of the bridges in good order, I estimate the cost of the superstructure with a 4 ft. $8\frac{1}{2}$ in. track, at \$9,515.70 per mile; a narrow-gauge superstructure complete, at \$5,561.30 per mile. These estimates include cost of rails, sleepers, straps and bolts, spikes, track-laying, frogs and switches, road crossings, signs, ballast, engineering and contingencies.

The advantages of the narrow gauge as to first cost, as to cost of operating, and as to the ability to do the work required are admitted, but it is claimed that it should not be adapted on account of the expense that would be incurred in the transfer of through freight where the break of gauge is involved. This is an objection, without doubt; but a careful examination of the subject shows the difficulties to be very much exaggerated. On the Canada frontier, many years' experience has shown the cost to be but five cents a ton. And, indeed, the cost of transfer is so inconsiderable, that in Europe transshipments are made, where there is no break in the gauge, cheaper

than to let the cars go too far away, and a movement of the same kind is on foot in this country.

As these roads multiply, the improvements in the methods of transshipment, and in the construction of the cars to accommodate each to the other in a relative proportion, will be made. But supposing it costs 10 cents a ton to transfer, after having been transported on an average, say 100 miles, we claim that the narrow-gauge road could bear the whole expense, and still beat a competing line, as to actual cost of hauling. For in the discussion last winter in the Iowa legislature, it was shown that the cost of freight on the standard gauge was $1\frac{1}{2}$ cents per ton per mile, while it is conceded that on the improved gauge freight can be transported for a cent a mile per ton.

It is contended that the road, if completed from Milwaukee on a narrow gauge, would receive a paying business from local traffic alone, as the average distance from any other road would be perhaps 10 miles, and through a fine agricultural country.

We think the people of Milwaukee, with the assistance that could be obtained along the line, could build the road as a three-foot one, and without doubt, at no distant day, it would become a part of a great through line from the grain fields of the west.

Most respectfully yours,

J. H. STERNS,

Chief Engineer of the proposed Mil. & South W. N. G. R. R. Co.

PRESIDENT ALEX. MITCHELL TO COMMISSIONER PAUL.

MILWAUKEE, Nov. 20, 1874.

Hon. GEO. H. PAUL, *Commissioner of Railroads, Wis.:*

MY DEAR SIR:—In consequence of the representations of Mr. Osborn and yourself, yesterday, the day passenger train between Madison and here has been restored as it was before the recent change, except a slight difference in time. West of Madison the train will be as now, mixed. In point of fact, the passenger trains on the Prairie du Chien road are hardly paying expenses. Please inform Mr. Osborn.

Yours truly,

ALEX. MITCHELL,

President.

INQUIRY CONCERNING RAILROAD LANDS.

(Answers tabulated under head of Railway Statistics.)

OFFICE OF RAILROAD COMMISSIONERS,

MADISON, Nov. 30, 1874.

DEAR SIR:—Will you be kind enough to furnish this board with a state-

1. Of the above accidents, those numbered as follows were caused by broken rails: Total No. —.
2. Of the above accidents, those numbered as follows were caused by INATTENTION OF EMPLOYEES: Total No. —.
3. Of the above accidents, those numbered as follows were caused by COLLISIONS not properly coming under 2: Total No. —.
4. Of the above accidents, those numbered as follows were caused by explosions: Total No. —.
5. Amount paid as damages on account of stock killed by trains, \$—.
6. Amount paid as damages caused by fire from locomotives, \$—.

REMARKS.

STATE OF WISCONSIN—County of —, —ss.

— and —, of the — Rail — Company, being duly sworn, depose and say that they have caused the foregoing statements to be prepared by the proper officers and agents of this company, and having carefully examined the same, declare them to be a true, full and correct statement of the condition and affairs of said company, on the first day of July, A. D. 187—, to the best of their knowledge and belief.

Signed,

[SEAL OF R. R.]

— —.
— —.

Subscribed and sworn to before me, — —, this — day of —, A. D. 187—.

[SEAL]

— —.
— —.

COMPLAINTS OF VIOLATION OF LAW BY RAILROAD COMPANIES SINCE OCT. 1, 1874.

J. L. ROOD, OF MONROE, VS. THE C., M. & ST. P. R. R. CO.

MONROE. October 17, 1874.

J. H. OSBORN, Com'r, Madison:

DEAR SIR: I wish to address you a line, setting forth the present condition of affairs in respect to the railroad company at this place.

Most of my lumber comes from Oshkosh and Fond du Lac. From Oshkosh to Janesville I am charged \$13.50. What I wish to ascertain is, whether the railroad company is entitled to \$26.50 for hauling one car of lumber from Oshkosh to Monroe. An answer will much oblige,

Yours truly,

J. L. ROOD.

COMMISSIONER OSBORN TO J. L. ROOD.

OFFICE OF RAILROAD COMMISSIONERS,

MADISON, Oct. 17, 1874.

J. L. ROOD, Esq., Monroe:

DEAR SIR: Yours of the 16th is at hand. They have over-charged you. The distance from Oshkosh to Monroe is 186.1 miles: (102.4×187) , the legal charge of a car load of lumber of 187 miles, \$20.50. See sec. 5 of chap. 273:

In computing the rate of carrying any freight according to the provisions of this act, the distance of carrying such freight shall be computed from where it is received, notwithstanding it may pass from one railroad to another."

I send you copy of the act.

Very respectfully,

JOSEPH H. OSBORN,

Railroad Commissioner.

J. L. ROOD TO COMMISSIONER OSBORN.

MONROE, WIS., Oct. 19, 1874.

J. H. OSBORN, R. R. Com'r:

Your letter is received. Enclosed you have a letter I received from O. E. Britt. You see what he claims in relation to freight coming first over N. W. R. from Oshkosh to Janesville, and then from Janesville, by M. & St. P. R. R. to Monroe. I have been paying these rates of freight (under protest), on about fifty cars. I would like to know if there is any other way to correct this matter than for me personally to sue the railroad company, or whether it is in the power of the Railroad Commissioners to correct this matter. Can the companies refuse to carry other cars than their own on their respective roads?

Please answer and oblige,

J. L. ROOD.

COPY OF MR. BRITT'S LETTER TO MR. ROOD.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY,

Freight Department,

MILWAUKEE, October 14, 1874.

J. L. ROOD, Esq., Monroe, Wis.:

GENT:—I have no arrangement with the Chicago and Northwestern Railway to haul lumber which they may deliver us at anything less than the rates made in the Commissioners' distance tariff. This tariff gives us \$18 for hauling 85 miles. The Commissioners' tariff says, "distances are to be computed from localities where freight is received, notwithstanding it may pass from one railroad to another." The locality from which we received this lumber is Janesville, and we have computed our rate from there. I have no bargain with any one to haul lumber from Oshkosh to Monroe, part of

the way on the Northwestern, and part of the way over our road. As you appear to have been in correspondence with the Commissioners, what rate do they say I am entitled to for hauling this lumber from Janesville to Monroe?

Truly yours,

O. E. BRITT.

COMMISSIONER HOYT TO J. L. ROOD.

MADISON, OCTOBER 21, 1874.

J. L. ROOD, Esq., Monroe, Wis.

DEAR SIR: Your communication of the 9th addressed to Commissioner Osborn, and enclosing a letter of the 14th from O. E. Britt, General Freight Agent of the Milwaukee & St. Paul Railroad, is at hand. From these letters it appears (1) that you have been considerably overcharged by the Chicago, Milwaukee and St. Paul Railroad Company, for the transportation of lumber from Janesville to Monroe; and (2) that such charge has been properly made by authority of Mr. Britt, on the theory that the law allows the St. Paul Co., to compute the distance on which their charge shall be based, not from the place where the freight was received by the first company carrying it on its way to the place of consignment, but from the point where they, the said Chicago, Milwaukee and St. Paul Railroad Co., received it.

If your lumber was delivered to the C. & N. W. R. R. Co., at Oshkosh to be carried from that place through to Monroe, and was received by said company for continuous transportation from the Junction to the latter place, without objection or stipulation as to delivery at Janesville and transshipment therefrom, then it is unquestionable that the construction put upon the law by Mr. Britt is wholly without warrant, and that, if insisted on, it will necessitate legal proceedings in pursuance of the injunction recently granted by the supreme court.

With the view to such a contingency, the Railroad Commissioners have laid your case before the Attorney General, and forward herewith the form of an affidavit to be duly executed and returned to them at your earliest convenience.

In concluding your letter of the 19th, you ask, "can the companies refuse to carry other cars than their own on their respective roads?" I know of no law compelling them to haul other cars than their own over any portion of their roads respectively; but if the shipment is made on the above named conditions, there will be little inducement to transship, and if transshipment is made, it cannot be at the expense of the shipper.

Very respectfully, your obedient servant,

JOHN W. HOYT,

Railroad Commissioner.

Per H. A. TENNEY, *Clerk of the Board.*

J. L. ROOD TO COMMISSIONER HOYT.

MONROE, Nov. 9, 1874.

JOHN W. HOYT, *Railroad Commissioner*:

DEAR SIR: I inclose you a deposition which I have made out in relation to railroad charges on lumber which I have had shipped.

I would state also, that when the last six cars of lumber were received, I went to the agent here and tendered him the legal freight, which he counted and then returned to me, declining to accept it. He telegraphed to Milwaukee to find out what he should do, and the reply he received from O. E. Britt I enclose to you.

Is it better for me to let them unload the cars if they will not take the legal rate, or shall I still continue to receive them as usual, and pay what they charge? They understand that I receive all these cars under protest.

Please answer and oblige,

Yours truly,

J. L. ROOD.

COPY OF THE TELEGRAM TO MR. ROOD.

MILWAUKEE, Nov. 7.

P. W. P.: Unload the lumber. Add cost of unloading to the charges.

O. E. B.

[Letter acknowledged, and referred to the Attorney General.]

ATTORNEY GENERAL SLOAN TO JOHN W. CARY, ESQ.

MADISON, Nov. 10, 1874.

JOHN W. CARY, Esq.,

DEAR SIR: Some complaint is made that your company has charged, and are charging \$13 per car for transporting lumber by the car-load (shipped at Oshkosh) from Janesville to Monroe, Wisconsin. As I construe chapter 273, laws of 1874, this is a clear violation of that law and of the injunction issued by the Supreme Court.

If this complaint is well founded, we shall be compelled to proceed as for contempt against the officers of the company.

I deem it proper to inform you of this complaint, that you may correct the practice of the company in this respect, or make any explanation of the charge that the company may desire, before proceedings are commenced.

Yours truly,

A. SCOTT SLOAN,

Attorney General.

MONROE, November, 13, 1874.

To JOHN W. HOYT, *Railroad Commissioner*:

DEAR SIR: Since writing you I have had five or six cars of lumber shipped

from Oshkosh. Have tendered the agent here the legal freight, and made demand for lumber, but they refuse to accept the freight and are holding my lumber. What shall I do in order to get my lumber?

Please answer and oblige yours,

J. L. ROOD.

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, November 16, 1874.

J. L. ROOD, Esq.:

DEAR SIR:—Owing to my absence on official business in the northern part of the state, and the fact that your letter of the 13th was addressed to me personally, it has been on my table since Saturday.

You have two remedies—one to pay the charges under protest, and afterwards recover the excess; the other to replevy your lumber in the usual way.

Since writing the foregoing I have heard from Attorney General Sloan, that he has received official assurances from the officers of the Chicago, Milwaukee and St. Paul Railway Company, that from this time forward they will adopt our construction of the law as to the computation of the charges—namely, that rates shall be computed from the point where the freight was first received.

This being the case, it is presumed that the agent at your place has already received instructions to deliver your lumber on payment of the legal rates. If not, please inform us of the fact, that we may bring it to the notice of the company.

Respectfully yours,

JOHN W. HOYT,

Railroad Commissioner.

J. L. ROOD TO COMMISSIONER HOYT.

MONROE, Nov. 19, 1874.

JOHN W. HOYT, *Railroad Commissioner*:

DEAR SIR: I received your letter of November 16th. The agent here had just received instructions to release my lumber and accept the legal rates. I am under obligations to you for the attention you have given to my letters, and the interest you have taken in the matter.

Yesterday I received a telegram from O. E. Britt, saying, "We cannot haul your cars from Janesville for two dollars. Why do you not ship all the way on our road?"

It is not convenient for me to ship all my lumber on C. M. and St. P. R. R. Some of it comes from Fond du Lac. That must come by the N. W. R. R. to Janesville. When I can ship from Oshkosh by C., M. & St. P. R. R. I am willing to do so.

Yours, very truly,

J. L. ROOD,

J. L. ROOD TO COMMISSIONER HOYT.

MONROE, Dec. 7, 1874.

J. W. HOYT, *Railroad Commissioner*:

DEAR SIR: I have three car-loads of lumber just arrived at this station, on which they claim \$13 per car from Janesville to Monroe, and refuse to give up my lumber unless I pay the amount. The cars are from Fond du Lac, over the N. W. R. R. to Janesville, and over the C., M. & St. P. R. R. from Janesville to Monroe. What shall I do? I want my lumber, but I am not disposed to pay \$13 from Janesville to Monroe. The cars were not overloaded

Yours, truly.

J. L. ROOD.

[Letter referred to Gen. Sloan.]

ATTORNEY GENERAL SLOAN TO SOLICITOR JOHN W. CARY.

MADISON, Dec. 8, 1874.

JOHN W. CARY, Esq.:

DEAR SIR:—On the 10th of November I called your attention to complaints made to the Railroad Commissioners, that your company had charged \$13 per car for lumber from Janesville to Monroe, said lumber being shipped at Oshkosh on the C. & N. W. Road, and by that Co. delivered to you at Janesville. In reply to that communication, this office was assured that the St. Paul Co. intended to comply fully with the provisions of the Potter Law in that regard, and that there would be no occasion for such complaints in the future. Relying upon that assurance, no steps were taken to call your company to account for violation of the Injunction granted by the Supreme Court. Renewed complaint is now made that you demand \$13 per car for lumber shipped at Fond du Lac and carried to Monroe, its place of destination, and refuse to deliver the lumber until such charges are paid.

If this complaint is true, it seems to be a deliberate violation of the promise of the company, and of the injunction, calling for immediate action at this office. I trust you can explain it and save the necessity of further proceedings for contempt of the injunction. Hoping to hear from you without delay, I remain,

Yours truly,

A. SCOTT SLOAN,
Att'y General

SOLICITOR JOHN W. CARY, TO ATTORNEY GEN. SLOAN.

MILWAUKEE, Dec. 11, 1874.

A. SCOTT SLOAN, Esq., *Attorney General*,

DEAR SIR:—Your favor of the 8th inst. came to hand yesterday, in which, after referring to your former communication in reference to lumber brought from Oshkosh over the Northwest road to Janesville, and carried thence by us to Monroe, and our understanding in relation to it, you say, renewed com-

plaint is now made that we "demand \$18 per car for lumber shipped at Fond du Lac and carried by your road from Janesville to Monroe, its place of destination, and refuse to deliver the lumber until such charges are paid." You further say, "if this is true, it seems to be a deliberate violation of the promise of the company, and of the injunction, calling for the immediate action of this office."

Immediately on the receipt of your letter I called upon Mr. Britt, our general freight agent, for an explanation. He informs me that in giving instructions in relation to forwarding a quantity of loaded cars from Janesville, he gave a general direction, without knowing what the cars were loaded with or from whence they came, to forward all freight there, charging for lumber received from the Chicago and Northwestern Company from Oshkosh, ten dollars per car, and tariff rates for all other freight. That up that time the general freight agent had not been informed that lumber had been delivered to us at Janesville by the Northwestern road, brought from any other point than Oshkosh. That he had made no rate from any place except Oshkosh, and that he was not aware at the time he gave that order that any lumber had been delivered to us from Fond du Lac. The agents at Janesville and Monroe of course obeyed the order according to its tenor. Mr. Britt, in giving the order, not having any knowledge that lumber had been received from Fond du Lac from the Northwestern road, could not have intended to violate either the agreement of the company or the injunction of the court. Thus far in explanation of the seeming violation of our agreement and understanding.

You will recollect, sir, that on the occasion of making this agreement and understanding with you, I said that, while we would endeavor to avoid violating the injunction granted by the court, we should not submit to the division of rates which other roads might claim, but should demand such just proportion thereof as we deemed ourselves entitled to; and you replied in substance, that that was a matter with which neither you nor the state authorities had any concern.

In order to avoid such complaints as are mentioned in your letter, in future, the management of this road have concluded hereafter to demand prepayment of all freight charges on lumber received from the Chicago and Northwestern Railway Company, destined to stations on the line of our road, at the rate fixed by the Potter Law; that is, eight dollars per car for the first twenty-five miles, and five dollars per car for the second, etc., and have this day notified the management of that road of our action.

It is our right to demand payment in advance. All authorities agree on this, and each carrier must be his own judge of the circumstances which will justify and even require such action.

The Northwestern is not authorized to contract for transportation over our road, and the management of this road has concluded that if the Northwestern road is desirous of supplying the stations on our line with lumber, that it can do so only on paying us the rates established by the Potter Law; and in order to avoid all dispute on the subject, we desire to have these rates paid to us in advance.

We regret the necessity which has compelled us to adopt this course of proceeding, but it is the only alternative left to save our business from utter ruin under this Potter Law, as it is now attempted to administer it.

To illustrate its effect upon this company in this particular trade, let me briefly state the case. We have a road from Oshkosh to Monroe, and prior to the passage of the Potter Law were doing a fair and remunerative business in carrying between these points in connection with our general business. The Chicago and Northwestern Railway Company have a road part way from Oshkosh to Monroe, and by using their road from Oshkosh to Janesville, and then transferring to our road for the balance of the distance, a somewhat shorter line is obtained than to take our line for the whole distance. The freight is now the same to the shipper whatever route is taken; but under the Potter law as now administered, although our line from Janesville to Monroe constitutes one third of the distance from Fond du Lac, and nearly one third from Oshkosh, yet it is claimed that we are entitled to only two dollars for transporting a car-load of lumber from Janesville to Monroe, and this is all we have received since the injunction was granted; and out of this two dollars we are compelled to pay the Northwestern Company sixty-eight cents for our services. To state the case, the Potter Law allows for hauling a car load of lumber from Oshkosh to Monroe, \$20.50. Of this amount the Northwestern claims that they are entitled to \$18.50 for hauling to Janesville, and sixty-eight cents for the use of their car over our road to Monroe, making \$19.18, which leaves \$1.32 as the compensation of this company for hauling from Janesville to Monroe and returning the empty car.

Yours, etc.,

JOHN W. CARY.

THE COMMISSIONERS TO PRESIDENT KEEP.

OFFICE OF THE RAILROAD COMMISSIONERS,

MADISON, Oct. 23, 1874.

HON. A. KEEP, *President C. & N. W. R. R. Co.*:

DEAR SIR: By direction of the Board of Railroad Commissioners, I have the honor to forward the following copy of a letter of complaint this day received from Christian Obrecht, of Sauk City, and to inquire whether the decision of your general freight agent, Mr. C. C. Wheeler, is to be taken by them as the decision of the company on the subject to which it relates.

I am, very truly yours,

H. A. TENNEY,
Clerk of the Board.

COMPLAINT OF CHRISTIAN OBRECHT.

(Copy.)

"SAUK CITY, Oct. 22, 1874.

"To the Commission on Railroads, Madison, Wis.:

"I have just returned from Chicago, where I seen C. C. Wheeler, Gen'l

Freight Agent of the N. W. R. Road. I wanted him to come to the tariff of the Potter law, but he declines distinctly to do so; and says, further, that he will not ship another dollar's worth of lumber for me unless charges are paid for same in advance, at old rates.

"My lumber yard is at Baraboo, and I get my lumber for that yard at Rudd's Mills, Grand Rapids and Oshkosh. Now you will confer a great favor on me if you will advise me what is best to do under these circumstances, and do it soon, as I have to supply my yard, or give up business.

"Respectfully yours,

CHRISTIAN OBRECHT."

GENERAL MANAGER H. H. PORTER, TO THE COMMISSIONERS.

CHICAGO AND NORTHWESTERN RAILWAY,

Office of the General Manager,

CHICAGO, October 26, 1874.

GENTLEMEN: Your letter to the President of this company, of October 23, has been received, and I am directed to reply that he is very much obliged to you for informing him of Mr. Obrecht's complaint, so as to give an opportunity of stating the facts as they really occurred.

About the 16th day of October, Mr. Obrecht called at our general freight office. He did not see Mr. Wheeler at all, as he says he did, but had a conversation with a person in the office of Mr. Wheeler. He inquired whether this company proposed to transport his lumber from points on the West Wisconsin Railway to Baraboo "under the law." He was distinctly told that the company would do so. Mr. Obrecht has not since the 1st day of October been charged a greater rate of freight than that prescribed by the Potter law. The trouble between him and this company is this:

The person in charge of Mr. Obrecht's yard at Baraboo has persistently and unreasonably neglected and refused to unload the cars promptly, thereby subjecting the company to the loss of the use of its cars, at a great inconvenience in making up its trains. The fact of the failure to unload the cars promptly can be substantiated by abundant proof. The question whether Mr. Obrecht should pay demurrage upon cars which were not unloaded within a reasonable time has been a subject of negotiation and controversy between him and some of the officers of this company. The business done for Mr. Obrecht by this company is done at a loss in any event, but the amount of the loss is unnecessarily increased by the fact that the the company cannot get its cars unloaded within a reasonable time. There is but one way for the company to secure the prompt unloading of the cars by Mr. Obrecht, and that is to require him to pay freight in advance while he persisted in detaining the cars.

Perhaps the statement of Mr. Obrecht that the company charged him higher rates than those named in the Potter Law grew out of the fact that he has repeatedly overloaded the cars which were furnished him, and in one case where he had put 26,000 lbs. of freight upon a car, instead of 20,000, he

was charged for 26,000 lbs., at the rate prescribed by the Potter law. The loading of the car was done by Mr. Obrecht, and the overloading was not only unjust to the company in reducing amount of freight, but in endangering the car itself from the over-weight, and certainly the company had a right to charge 26,000 lbs. when that amount was actually carried. This car was weighed, and its weight was accurately determined.

I am directed by Mr. Keep to say to you that this company, in all cases, will carry freight at the rates named in the Potter law; that it is not true that we have refused to do so for Mr. Obrecht; nor would it insist on the payment of freight in advance from him, as it has the right to do under the law, if he would agree either to unload the cars within a reasonable and proper time for that purpose, or in default thereof, to pay demurrage for the detention of the cars, what such proper and reasonable time shall be, to be also agreed upon according to the usual rule adopted by railroads in such cases.

Mr. Keep instructed me to say that this company will use the utmost frankness with the commissioners in reference to any matter of complaint, giving the facts in each case as they are understood by the officers of the company, and that he earnestly desires to avoid all just causes of complaint or irritation, and to cultivate the same good feeling between the company and its patrons in Wisconsin, that it would do if its business were prosperous and remunerative.

Very respectfully,

B. C. COOK,

General Solicitor of Company.

To the Board of R. R. Commissioners of Wisconsin, Madison, Wis.

OFFICE OF RAILROAD COMMISSIONERS,

MADISON, November 6, 1874.

HON. ALBERT KEEP, *Pres't. C. & N. W. R. R. Co.*

DEAR SIR: Complaints continue to be received by the Commissioners, of illegal charges for freight by the Chicago and Northwestern Railroad Company. Your communication of October 26th, through Mr. Cook, distinctly stated that your company "would, in all cases, carry freight at the rates named in the Potter Law." It is possible that the understanding of the law by the company may not be in accordance with that of the Commissioners and Attorney General. On no other supposition can the charges which are reported to have been made, be accounted for.

A single example will serve to illustrate the cases:

A car of lumber sent from Rudd's Mills to Madison, is, in accordance with the "Potter Law," understood to have been received at Rudd's Mills, and to be chargeable with rates for 112 miles, which, legally, would be \$18.50. As the charge reported to be made for the service is \$28, some other view of the law must be held by the Chicago and Northwestern Railroad Company.

Section 5 of the Potter Law provides, that in computing the rates for carrying any freight, the distance for carrying such freight "shall be computed

from where it is received, notwithstanding it may pass from one railroad to another."

Will you be kind enough to state what position is assumed by the Chicago and Northwestern Railroad Company upon the point involved in these cases?

Very respectfully,

J. H. OSBORN,
Railroad Commissioner

CHICAGO AND NORTHWESTERN RAILWAY,
Office of the General Manager,
Chicago, Nov. 9, 1874.

DEAR SIR:—Your favor of the 6th inst., addressed to Mr. Keep, has been handed to me, with the request that I would reply to it.

Up to this date, I have heard of no complaint of overcharge on our road, that has not been immediately corrected, excepting the one to which you refer in your letter.

With so many stations in Wisconsin, and so many agents, errors are frequently made, as they were before the adoption of the Potter Law tariff, and the entire revision which has taken place in the tariff, tends to increase them, temporarily, until the agents learn this new mode of transportation. All errors, however, which come under my notice, I endeavor to immediately correct.

The case you refer to was another mistake, and this company is ready to refund the overcharge. Had I known it in sufficient time, I should have instructed the bill to be corrected. Probably one cause of overcharge has been a difference of opinion between the railroads on which the freight originated, and the railroads who delivered it. The law, as I understand it, does not say how such earnings shall be divided between roads. The roads delivering are apt to claim that the whole rate shall be at least pro rata. The roads receiving, knowing that in neither instance do the railroads get compensation for their work, claim they are entitled to their proportion under the Potter Law.

I was to-day informed that the Commissioners or the courts of Wisconsin had decided that the through rate should be pro rated. Whether this is true or not I will thank you to inform me.

I herewith enclose you copy of a Circular which I propose to issue at once, if the division of the rate between the roads is as you interpret it. Will you be good enough to telegraph me on receipt of this letter if this meets with your approval.

I have to-day written our agent, Mr. Fitch, to refund the overcharge on the freight in the case you refer to.

I am, dear sir, yours truly,

H. H. PORTER,
General Manager..

J. H. OSBORN, Esq., *Chairman of Railroad Commissioners, Madison, Wis.*

[CIRCULAR.]

CHICAGO AND NORTHWESTERN RAILWAY,
Office of General Manager,

CHICAGO, November 9, 1874.

To Station Agents of Chicago and Northwestern R. R. Company in the State of Wisconsin:

As errors have arisen in the charges for transportation of freight in classes D. E. F. G. H. I. and J. from one station to another, both within the state of Wisconsin, which said freight passes in part over connecting roads, and in part over the roads operated by C. & N. W. Co., your attention is particularly directed to tariff of the Railroad Commissioners of the said State, dated Madison May 14, 1874, in which is the following:

"In all cases distances are to be computed from localities where freight is received, notwithstanding it may pass from one railroad to another."

You will hereafter way-bill freight from your station to the junction point with such roads as are included in classes "A" and "B" at the strict mileage pro rate of the roads, as allowed by the commissioners' table and which is the same as our tariff of October 1st, for the whole distance, noting in the body of the way-bill the total miles from station of shipment to station of destination, and showing the number of miles to be transported by this company, and the number of miles by connecting railroads.

Station agents at junction points will show this circular to the agents of connecting roads, and ask them to deliver to them expense bills for freight consigned to our road, with similar information entered thereon, and agents of this company must not receive any such freight destined for our road, from any connecting roads unless the charges are first corrected to their pro rata proportion of the whole charge for carriage from point of shipment to point of destination, when both are within the state of Wisconsin.

COMMISSIONER OSBORN TO GENERAL MANAGER, H. H. PORTER.

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, November 10, 1874.H. H. PORTER, Esq., *General Manager C. & N. W. R. R. Co.:*

DEAR SIR: Yours of the 9th is at hand. The case referred to as an example was not intended to be presented as having actually occurred, but only for the purpose of illustration.

Your information that the commissioners or courts had decided that compensation for through carriage of freight should be *pro rated* is not correct, and is probably based upon the contents of a letter from this board to W. G. Swan, Esq., of the West Wisconsin Railway, and from which I make the following quotation, both for the purpose of placing the Commissioners correctly, and also for the purpose of more particularly explaining the Commissioners' understanding of the law:

* * * * * "From the wording of the last clause of section 5 of chapter 273, to wit: 'In computing the rates for carrying any freight, according to the provisions of this act, the distance for carrying such freight shall be computed from where it is received, notwithstanding it may pass from one road to another,' it would seem to be inferred that, should a company elect to receive freight for forwarding to points beyond its corporate jurisdiction, that it would do so with the understanding that it assumed the responsibility of adjusting compensation with its connecting companies, equally with that for the delivery of the goods. The law provides for the manner of computing distance when freight passes over more than one road, and inferentially, also, for carrying at the maximum charges for the whole distance."

"The law seems to make provision for each road separately, leaving the adjustment of compensation as heretofore existing between connecting companies to themselves, defining only the conditions between each separate road and the people, and fixing the limitation of charges."

"We are led to the conclusion that although no part of the law provides directly that the companies shall pro-rate with one another, yet it would seem that an absolute necessity for adjustment between them would arise both as to compensation for carriage as well as equipment, or else they would be constrained to refuse freights for destinations beyond the limits of their own lines and stations."

You will notice from the above that the commissioners do not assume that the roads should, or should not, *pr-orate* between themselves; the commissioner understanding that the proportionate adjustment of rates between connecting roads is entirely within the roads themselves; the law only designing that when a company accepts freight for a destination beyond its corporate jurisdiction, the rates charged shall be ascertained by computation for the whole distance from where it is received to its destination, "notwithstanding it may pass from one railroad to another."

Hence the commissioners would not desire to have the circular you propose to issue, and which will amount to a specific mode of dividing compensation between connecting roads, to be understood as their interpretation of law.

Very respectfully yours,

J. H. OSBORN,
Railroad Commissioner.

ATTY GEN. SLOAN TO SOLICITOR B. C. COOK.

MADISON, Nov. 10, 1874.

B. C. COOK, Esq., *Solicitor C. & N. W. R. R.:*

DEAR SIR: Complaint is made that your company is charging for transporting lumber by the car-load, received from the West Wisconsin Railroad and carried over your road, higher rates than allowed by the "Potter Law." That you charge in such cases \$8 per car for the first 25 miles carried over your road, treating it as originally shipped on your road, and making no allowance for the fact that the lumber had come to you from the West Wisconsin Railroad.

I think this a violation of chapter 273, Laws of 1874, which provides that the distance for carrying freight shall be computed from where it is received, notwithstanding it may pass from one railroad to another.

If this complaint is well founded, we shall be compelled to take proceedings against the officers of your company for a violation of the injunction.

I deem it proper to inform you of this complaint, in the hope that you may

make such explanations as may save the necessity of further legal proceedings.

Yours truly,

A. SCOTT SLOAN,
Att'y General.

SOLICITOR B. C. COOK TO ATTORNEY GEN. SLOAN.

CHICAGO AND NORTHWESTERN RAILWAY CO.,
Office of the Gen. Solicitor,
CHICAGO, Nov. 11, 1874.

Hon. A. SCOTT SLOAN, *Att'y Gen. of Wisconsin.*

DEAR SIR: Yours of the 10th inst. is received. I thank you for calling my attention to the matter of complaint. By referring to the communication sent yesterday by H. H. Porter, our General Manager, to Mr. Osborn, Railway Commissioner, you will see that the over-charge, to which you refer, was a mistake. It is impossible to prevent mistakes occurring at any time, much more is it impossible now, when the rates of freight and the manner of doing business have been entirely changed by the Potter Law, so as to produce very great confusion, especially when freight is received from other roads.

In the matter referred to in Mr. Osborn's letter to Mr. Porter, instructions were issued from the General Manager's office to refund the amount claimed to be an over charge. There is no design on the part of this company to charge any higher rates than allowed by the Potter Law. In case where such charges are made, they will be immediately refunded.

There is a question to which I wish to call your attention particularly. When freight is delivered from one road to another, is the rate to be computed by the second road only at the lower price fixed by the Potter Law, and is one road to be paid one price for carrying freight, say fifty miles, and the other road to be paid a far less sum for carrying the same freight fifty miles over its road, or should the whole amount of the freight for 100 miles be *pro-rated* between the two roads?

I will be glad to have an official construction of the law upon this point, in order that we may avoid any question in relation to over charges on goods received from another. I freely confess to you that I cannot determine what the meaning of the Potter Law is in this regard. I am anxious, and so are all the officers of this company, to avoid any just or reasonable ground of complaint. It is said that the supreme court have decided in the Oconomowoc case what the principle shall be. If they have done so, and if the question is settled, we shall abide by it, however injuriously it may affect our interests. Will you please give me the substance of the Oconomowoc decision in brief statement.

I also wish to direct your attention to the whole correspondence between Mr. Porter and Mr. Osborn, and to say, that the circular, a copy of which was sent to Mr. Osborn by Mr. Porter, will be withdrawn in compliance with a

dispatch just received from Mr. Osborn, until the receipt of Mr. Osborn's letter, and until a fuller understanding can be had.

Yours truly,

B. C. COOK,
Gen. Solicitor.

ATTORNEY GENERAL SLOAN TO SOLICITOR B. C. COOK.

MADISON, November 18, 1874.

HON. B. C. COOK:

DEAR SIR:—Yours of the 11th inst. duly received, and is satisfactory in regard to the case mentioned. The St. Paul Company has, in some instances, charged higher rates than the Potter Law allows, where freight is transferred to their roads, claiming that their receipt of it was a new receipt, and that they had the right to charge as for a first haul. But Messrs. Mitchell, Cary and Merrill were here yesterday and they agreed to adopt the construction held by the supreme court in *Ackley and Vilas vs. Chicago, Milwaukee and St. Paul Railway Company*. The court simply held in that case that where freight is carried by two or more roads the rates are to be computed in the same way as though carried upon but one road. They do not decide what would be a proper division of the freight earned by the connecting roads. On this subject they say: "We are aware of no statute which assumes to give the whole freight to one company and thus compel the other to render services without compensation. We are of the opinion that \$15 per car load is the highest rate of freight that can lawfully be demanded for the whole carriage, and that the same should be divided between the two railway companies, on some equitable principle, to be determined by the courts in case the companies invoke the aid of the courts in the premises."

Nobody is perhaps at liberty to assume what that equitable principle of division of freight earnings, to which the court refers, will be. But if the Milwaukee and St. Paul Company would adopt your circular on its roads, I do not see why all cause of embarrassment and difficulty would not be removed; and, without intending to express an opinion on that subject, my impression is that the division on the principle stated in your circular, that is, a *pro-rata* of freight earnings according to distance carried, is as equitable as any that could be applied.

Very truly yours,

A. SCOTT SLOAN,
Attorney General.

GEN. MANAGER H. H. PORTER TO COMMISSIONER OSBORN.

CHICAGO AND NORTHWESTERN RAILWAY,
Office of General Manager,
CHICAGO, Nov. 18, 1874.

DEAR SIR: I have to acknowledge the receipt of your favor of the 16th

inst., and must again request a more definite answer to the questions asked in my former communication.

It is true I named the Milwaukee and St. Paul Company as an example, but the same questions occur with all our other connecting roads, and who have not agreed to anything.

It seems to me that it devolves upon the commission to give me instructions in this respect, or to decline to do so. I do not wish to appear discourteous, but if this company is to be governed in its transportation by a law, the interpretation of which law is left to the commissioners, is it not right and fair that they should give us their interpretation of it to guide us?

Yours, truly,

H. H. PORTER,
General Manager.

J. H. OSBORN, *Railroad Commissioner, Madison.*

COMMISSIONER OSBORN TO GENERAL MANAGER PORTER.

OFFICE OF RAILROAD COMMISSIONERS,
MADISON, Nov. 24, 1874.

H. H. PORTER, *General Manager C. & N. W. R. R. Co.:*

DEAR SIR: Your favor of the 18th was duly received, and would have been answered before, but for absence. In my communication of the 10th, I endeavored to make clear our interpretation of the law, and beg leave to call your attention to the fact that such interpretation is by no means the interpretation rendered by your proposed circular, which you desire the commission to adopt as authoritative.

The position of the Commissioners, as expressed in my letter of the 10th, containing an extract from a reply to Mr. Swan of the West Wisconsin, was arrived at understandingly after consultation; the same question being there raised by him, as by yourself. If the law makes it imperative on this board to adjust the several amounts to be received for services by connecting roads, we should be glad to know it. It is understood that the supreme court did not touch this question, although adjusting the one as to the entire charge for services. The question of adjusting amounts for services between connecting roads, although not now required by law, is perhaps a proper subject for the Railroad Commissioners; but to arrive at just conclusions, and to act understandingly, I am also of opinion that the whole matter should be inquired into by the board, and the former basis of adjustment as practiced by the roads, subjected to investigation before we could arrive at an equitable decision. Such a course, I think you would agree with me as being necessary, and that it would require time and a collection of testimony from different sources bearing upon practical methods heretofore suggested, perhaps, by experience.

Very truly yours,

J. H. OSBORN,
Railroad Commissioner.

M. PEDRICK vs. THE WEST WIS. AND THE C., M. & ST. PAUL RAILWAYS.

M. PEDRICK TO THE COMMISSIONERS.

FAIRCHILD, Wis., October 16, 1874.

Railroad Commissioners :

GENTLEMEN:—The West Wisconsin Railroad still continues to charge \$15 per car load on lumber to Camp Douglass Junction; and the Milwaukee and St. Paul Railroad commences at that place to compute and charge on its road. Is there to be any change? This rate makes an overcharge of \$9 per car load on one hundred and fifty miles. I would further inquire in reference to shipping wheat from this station to Milwaukee. The road charges 25 cents per hundred pounds, when the distance computed makes it 22 cents per hundred, when shipped by the shortest route. But this road will not allow us to ship over the Milwaukee and St. Paul Railroad, preferring to take it through to Madison and Harvard Junction, and back to Milwaukee. Is there any remedy for this?

Yours respectfully,

M. PEDRICK.

COMMISSIONER HOYT TO M. PEDRICK.

October 18, 1874.

M. PEDRICK, Esq., Fairchild:

DEAR SIR:—In answer to your favor of the 16th, I have to say:

(1). * * * The refusal of the M. & St. P. Co. to compute the distance from the point where the freight is first received will render them liable to penalties.

(2.) That, inasmuch as the W. W. R. R. and the C. & N. W. R. R. have been running in connection, the latter hauling the freight received from the former via Madison, Harvard and Kenosha to Milwaukee, there would probably be no complaint made of their continuing to do so, provided the shipper should not be required to pay any extra charge on account of extra distance over the shorter route via M. & St. P. R. R. to the same point. If no objection were made by the shipper or consignee to such round about shipment, it is possible that the courts would decide that the companies hauling the freight were privileged to give it the usual course of shipment. But nothing is clearer to my own mind, and I doubt not that the other commissioners would agree with the opinion if they were present, than that the shipper has a right to dictate the route which his freight shall take.

You certainly have the right to ship *via* M. & St. P. R. R., and cannot be legally required to pay more than the rates prescribed by ch. 273 of the laws of 1874, for the distance from Fairchild to Milwaukee, regardless of the fact that the freight passes over two lines.

Your complaint will be put upon record and brought to the notice of the Attorney General.

Respectfully your obedient servant,

JOHN W. HOYT,

Railroad Commissioner.

ATTORNEY GEN. SLOAN TO ATTORNEY JOHN C. SPOONER.

MADISON, Nov. 10, 1874.

JOHN C. SPOONER, Esq.:

DEAR SIR:—Complaint is made that the West Wis. R'y Co. has refused to furnish cars to M. & C. Obrecht of Baraboo, at any price. I call your attention to this complaint, and hope you can give an explanation which will save the necessity of legal proceedings.

Yours truly,

A. SCOTT SLOAN,

Att'y General.

SUPERINTENDENT W. G. SWAN TO THE ATTORNEY GENERAL.

WEST WISCONSIN RAILWAY,

Gen'l Superintendent's Office,

Hudson, Wis., 20th Nov., 1874.

A. SCOTT SLOAN, Esq., *Att'y Gen'l, Madison, Wis.:*

DEAR SIR:—Your communication of the 10th inst., addressed to our Gen'l Attorney, Col. John C. Spooner, was duly referred by him to me. Continued absence from home, however, has prevented my giving it earlier attention.

It appears that our agent had been billing lumber consigned to Mr. Obrecht, Baraboo, at the rate provided in the so called Potter act, for the given distance, as between Rudd's Mills and Elroy—same being inside of the first distance of 50 miles, and the rate for such a haul being \$13 per car load.

I am not informed as to the rate charged by the C. & N. W. R'y Co. from Elroy to Baraboo. It also appears that Mr. Obrecht declined to pay the accrued charges upon arrival of the lumber at destination. And the consequence of the trouble made by the gentleman named with the local agent of the C. & N. W. R'y was, that our cars were delayed so long that we actually lost money in carrying the lumber to Elroy. As this was at a time when our cars were in active request for shipping grain and merchandise, I did not consider that in justice to this company's interest, I should permit its property to go beyond our own control, and therefore declined to furnish empty cars belonging to the West Wisconsin road for the purpose of being loaded with Mr. Obrecht's Lumber.

It seems that the cars of the other road were in demand for grain shipments from points in Minnesota (to which the Potter rates are not applicable,) and I received instructions not to permit their cars to be loaded with lumber, but to return them empty to Elroy as fast as possible. These causes, as frankly explained, have led to the situation as stated by you, viz: that Mr. Obrecht

has been unable to obtain the cars. Had our cars not been delayed by the course he saw proper to adopt, we should have continued to have furnished them, even at a sacrifice of other and more material business interests.

For the purpose of avoiding any possible error in the position occupied by this company in the premises, let me ask, if, under the circumstances, we are obliged to furnish cars for through freight destined to points on another road, when it is beyond our power to control the movement of such cars while on such connecting roads?

Again, will you please inform me whether we are (or not) obliged to respect the orders governing the movement of foreign cars—as received from their owners—while their cars are on our track, so far as it may be in our power so to do?

Again, referring to your communication, I desire to here state that since the rendering of the unfavorable (to roads) opinion by the Supreme Court, we have endeavored by all means to avoid any act that could be construed as an evidence of disrespect to the law as endorsed by that decision, and we have tried to satisfy all persons that—*no matter at what cost*—we should carry out the provisions of the Potter Law until the same should be honorably modified, or until the management and proprietors of the road became hopelessly bankrupt, and then the road would stop business, with a due notice to all concerned.

If you will kindly reply to my two questions fully, you will much oblige me. Also please to point out any weakness you may observe in my understanding of our rights and duties in the matter about which I have principally written.

We desire not only to conform to the law, so far as it can be properly understood or explained, but we desire to satisfy the legal authorities, as well as the sovereign people, of our good intentions and good faith in the premises.

An early reply is hoped for.

Very respectfully yours,

W. G. SWAN,
Gen'l Supt.

M. PEDRICK vs. GREEN BAY AND MINNESOTA R. R. CO.

FAIRCHILD, Wis., Oct. 20, 1874.

Railroad Commissioners:

GENTLEMEN: Enclosed, please find a letter to me from the general freight agent of the Green Bay and Minnesota Railroad Company. I wrote to them in reference to shipping to Minnesota, and this is the answer to my letter.

The distance is less than seventy-five miles to Winona, which would make the freight \$15 per car load, while the West Wisconsin Company charge \$8 to Merrilan, and the Green Bay and Minnesota Company charge \$19, making \$27. I have already shipped, and they have charged at that rate. It is very annoying to try to do anything here when they persist in overcharging on every thing that we ship.

Have they a right to charge any more on freight to the state line, that is going into Minnesota, than they would if it stopped at the state line?

Yours, respectfully,

M. PEDRICK.

GREEN BAY, Wis., Oct. 17, 1874.

M. PEDRICK, Esq., *Fairchild, Wis.*:

DEAR SIR: In reply to your letter of October 15, I quote you rates from Merrilan to Marshall, Minnesota, as follows: Merrilan to Winona, \$19 per car; Winona to Marshall, \$38 per car of 20,000 pounds.

We are not working under the Potter law, and, if we were, it would not apply to shipments going to Winona, or out of the state. * * *

Yours truly,

DAN. ATWOOD,
Gen'l Frt Agent.

THE COMMISSION TO MR. PEDRICK.

FAIRCHILD, October 21, 1874.

M. PEDRICK, Esq., *Fairchild, Wis.*:

DEAR SIR:—I am instructed by the Railroad Commissioners to reply, generally, to yours of the 20th, that the "Potter Law" has no application to through freight, and that the point whether freights shipped to other states come under this act on so much of the route as is in Wisconsin, or is to be held as inter-state commerce has not yet been judicially decided. Until the question is settled by the highest tribunals, the board will refrain from passing upon it, confining their action to cases wholly within the limits of the state. It is reported that the Supreme Court of the United States will in December next, finally settle this vexed question, in a suit now pending.

I am very truly Yours,

H. A. TENNEY,

Clerk of the Board.

COMPLAINT—J. & A. C. STREETER vs. C. M. & ST. P. R. R. CO.

OCONOMOWOC, Wis., December 11, 1874.

Mr. GEO. H. PAUL:

DEAR SIR:—We desire to ascertain of you whether there is any chance for us to get a drawback on freight. We have paid our freights under protest, and have paid in excess of the Potter law rates, from March 13, 1874, to May 1st, about \$260, from May 1st to October 1st, about \$600, and from October 1st to date, about \$600—total nearly \$1,500. We have not figured it accurately, but it will not vary much from these figures. A part of our company (Moore Galloway & Baker) manufacture lumber at Fond du Lac, and we receive most of our stock from them. The railway companies are now charging us the same rates that they have been since October 1, 1874, \$21.00 per car from

Fond du Lac to this place, and, as we understand the Potter law, the rates should be only \$13.00, via Watertown.

Please give us information in regard to this matter without delay, and oblige.

Yours truly,

J. & A. C. STREETER & CO.

[Referred by Commissioner Paul to the Attorney General.]

ATTORNEY GEN'L SLOAN TO J. & A. C. STREETER, & CO.

OFFICE OF ATTORNEY GENERAL,
MADISON, Dec., 23, 1874.

J. & A. C. STREETER & Co., *Oconomowoc*:

GENTLEMEN: I send you herewith an affidavit which I wish one of the members of your firm to sign and swear to, if correct. Please make and attach to it a statement of the shipments since October 1st, showing, in separate columns, date, number of cars, weight, rate, amount charged by R. Company and legal rate, swear to same before Notary Public, and return to me, I am getting this proof together, so as to take proceedings against the company for a violation of the injunction.

Yours truly,

A. SCOTT SLOAN,
Attorney General.

J. & A. C. STREETER & CO., TO ATTORNEY GENERAL SLOAN.

OCONOMOWOC, Wis., Dec., 21, 1874.

ATTY GEN'L SLOAN:

DEAR SIR: We opened a correspondence with Mr. Geo. H. Paul in regard to the matter of freights, and as he sent our letter to you now that we desire more information, on the subject we thought best to address you directly. The Railroad Co., would like us to change our place of purchasing our lumber, which we cannot do as part of our firm are manufacturers of lumber, at Fond du Lac. The R. R. Co., now require freight paid in advance at Fond du Lac where the cars are to be transferred on to the C. Mil., & St. Paul Ry.

Please inform us without delay, whether the railroad company have a right to require pre-payment of freights, and if so, to collect more mileage than the Potter Law has heretofore given them, regardless of transfer from one road on to another? Whether they are entitled to two starting points, and if not, and we should tender the railway company the amount of freight from Fond du Lac to this place, according to the Potter Law rates, \$14.50, and they refuse to accept of the same, what is to be done? And in case they have a right to exact pre-payments of freights, and we tender them the same at Fond du Lac and they refuse to accept, what would be the best course to pursue? And further, in regard to back pay [overpayments previous to injunction], Mr. Geo. H. Paul says, that we have a right of action against the company,

and under the decision of our Supreme Court can undoubtedly recover, and as we read the penalties for violation of the law, the company are liable for three times the amount received in excess of the rates prescribed by the Potter Law. In order to recover the amount of excess of freight due us, what is the best course for us to pursue?

Enclosed you will find statement of freights paid, and the amount of overcharges. Please look it over and see if it is correct. Hoping to hear from you soon, we remain,

Yours truly,

J. & A. C. STREETER & CO.

STATISTICS OF RAILWAY COMPANIES

ACCOMPANYING REPORT OF COMMISSIONERS.

SUBJECTS EMBRACED:

Mileage, Cost and Earnings of the Railroads of the several States of the United States, 1873.

Railroad Lines and Parts of Lines in Wisconsin.

Statement relating to Origin and Cost of Wisconsin Railroads.

Stock, Debt and Cost of the Chicago, Milwaukee and St. Paul Railway, including a Synopsis of all the several Wisconsin branches at present embraced.

Prices of Stock and Bonds of Milwaukee and St. Paul Railway Company, from 1860 to 1874.

Stock, Debt and Cost of the Chicago and Northwestern Railway Company, including the several Wisconsin branches at present embraced.

Prices of Stock and Bonds of Chicago and Northwestern Railway Company, from 1860 to 1874.

Stock, Cost and Debt of other Wisconsin Railroads.

Returns and Deductions from the Returns of Railway Companies for 1873.

Synoptical History of Land Grants given by Congress in aid of Railroad Construction in Wisconsin.

National, Local and Farm-Mortgage Aid to Railroads in Wisconsin.

Statistics illustrating the Bearing of the Law of 1874 upon Railway Transportation.

TABLE showing the Mileage, Cost of Construction and Equipment, Business done, Earnings and Profits, in 1873, of the Railroads of the United States.*

	STATES AND TERRITORIES.	Miles of Railroad.	Cost of Road-bed and Equipment.	Cost of road pr mile.	Receipts from Passengers.	Per cent of Total.	Receipts from Freight.	Per cent of Total.	Total Earnings.
NEW ENGLAND STATES.									
1	Maine.....	905	\$37,301,704	40,249	\$1,841,952	40.8	\$2,521,789	57.7	\$4,363,741
2	New Hampshire.....	877	12,691,918	24,009	1,179,306	32.6	2,449,154	67.4	3,618,460
3	Vermont.....	721	23,225,060	35,359	1,260,813	30.2	2,922,784	69.8	4,183,547
4	Massachusetts.....	1,755	181,708,096	64,150	12,135,093	43.5	16,715,365	56.5	27,850,458
5	Rhode Island.....	159	5,015,265	46,989	626,842	56.2	489,380	43.8	1,115,672
6	Connecticut.....	897	54,763,348	55,448	5,315,139	50.4	5,229,671	49.6	10,544,810
MIDDLE STATES.									
7	New York.....	5,165	376,086,319	83,391	17,014,061	24.7	51,825,907	75.3	68,825,007
8	New Jersey.....	1,418	136,666,663	115,829	8,498,529	32.5	17,342,394	67.5	25,840,923
9	Pennsylvania.....	5,550	330,317,396	105,405	13,909,524	16.7	60,402,538	83.3	83,357,427
10	Delaware.....	284	3,587,140	18,815	230,551	34.6	436,250	65.4	666,801
11	Maryland and District of Columbia...	1,046	64,986,324	54,833	2,682,505	17.5	12,628,437	82.5	15,310,942
12	West Virginia.....	576	wanting	28,150	.....	39.2	81,203	60.8	51,202
WESTERN STATES AND TERRITORIES.									
13	Ohio.....	4,528	369,281,484	74,254	14,450,210	24.3	45,508,950	75.7	59,508,950
14	Michigan.....	3,309	103,748,886	52,489	4,074,192	28.4	10,221,796	71.6	14,295,988
15	Indiana.....	3,714	192,429,240	44,274	6,185,663	25.4	18,083,899	74.6	24,259,062
16	Illinois.....	6,589	341,081,098	47,486	12,588,967	23.8	41,497,445	76.2	54,086,412
17	Wisconsin.....	2,203	148,019,201	34,231	2,437,089	18.6	9,035,495	81.4	11,146,812
18	Minnesota.....	1,950	82,042,302	55,086	969,105	23.0	3,243,789	77.0	4,312,844
19	Iowa.....	3,723	83,891,533	35,471	1,145,993	27.1	5,817,990	72.9	7,963,983

20	Kansas.....	2, 379	118, 798, 784	50, 744	3, 073, 586	31. 8	6, 860, 072	68. 2	10, 062, 437
21	Nebraska.....	1, 075	17, 049, 576	69, 532	319, 805	37. 6	7, 091, 438	62. 4	11, 358, 447
22	Missouri.....	2, 858	129, 981, 272	60, 953	4, 052, 279	32. 4	8, 136, 629	67. 6	12, 188, 908
23	Wyoming Territory.....	459	11	11	.....	.....	618, 506	64. 0	.....
24	Utah Territory.....	372	7, 410, 000	42, 231	480, 000	36. 0	618, 596	64. 0	1, 332, 612
25	Dakota Territory.....	275	11	16, 400	62, 000	38. 1	100, 725	61. 9	162, 725
26	Colorado Territory.....	608	18, 821, 800	48, 687	573, 673	46. 8	584, 923	53. 2	1, 098, 596
SOUTHERN STATES AND TERRITORIES.									
27	Virginia.....	1, 573	79, 284, 735	50, 207	2, 311, 922	32. 6	4, 786, 321	67. 4	7, 098, 248
28	North Carolina.....	1, 265	36, 695, 658	29, 399	813, 990	28. 1	2, 083, 498	71. 9	2, 897, 488
29	South Carolina.....	1, 320	29, 005, 482	29, 597	764, 139	21. 0	2, 795, 888	79. 0	3, 560, 027
30	Georgia.....	2, 260	38, 220, 651	23, 497	1, 746, 016	22. 7	5, 949, 939	77. 8	7, 695, 555
31	Florida.....	466	7, 142, 000	18, 455	182, 000	38. 0	297, 000	62. 0	479, 000
32	Alabama.....	1, 723	57, 478, 466	37, 016	1, 937, 838	39. 2	3, 019, 103	60. 8	4, 957, 941
33	Mississippi.....	990	38, 861, 209	36, 322	1, 424, 348	26. 3	3, 998, 978	73. 7	5, 424, 326
34	Louisiana.....	539	30, 759, 042	62, 962	794, 434	28. 9	1, 946, 055	71. 1	2, 740, 489
35	Texas.....	1, 578	42, 558, 914	30, 018	1, 367, 775	22. 2	4, 779, 873	77. 8	6, 147, 648
36	Kentucky.....	1, 320	45, 445, 892	40, 464	2, 279, 945	31. 7	4, 920, 048	68. 3	7, 199, 998
37	Tennessee.....	1, 620	29, 260, 323	29, 372	1, 313, 434	29. 5	3, 138, 083	70. 5	4, 451, 517
38	Arkansas.....	700	35, 723, 095	63, 296	472, 148	40. 2	555, 461	59. 8	927, 609
PACIFIC STATES AND TERRITORIES.									
39	California.....	1, 208	35, 034, 497	95, 590	1, 175, 193	36. 6	9, 683, 138	63. 4	15, 276, 749
40	Oregon.....	257	1	1	.....	.....	.....	.....	.....
41	Nevada.....	629	1	1	.....	.....	.....	.....	.....
42	Washington Territory.....	105	wanting	wanting	.....	.....	.....	.....	.....
		\$70, 651	\$3, 728, 416, 958	\$60, 057	\$137, 884, 427	30. 8	\$389, 035, 508	69. 2	\$326, 419, 935

* Collated from Poor's Manual, 1874-5.

TABLE showing Business done, Earnings and Profits, in 1873, of the Railroads of the United States.

	States and Territories.	Per cent to receipts of cost.	Receipts per mile of road.	Operating expenses.	Proportion of expenses to receipts p. c.	Net earnings.	Proportion of net ear- nings to re- ceipts p. c.	Prop net earnings to cost of repairs.
NEW ENGLAND STATES.								
1	Maine.....	57.7	\$4,823	\$3,914,886	66.2	\$1,898,935	31.8	3.6
2	New Hampshire.....	67.4	4,126	3,453,126	67.7	1,166,274	32.8	3.5
3	Vermont.....	62.8	5,802	2,719,913	65.0	1,468,684	35.0	6.0
4	Massachusetts.....	56.5	15,860	20,933,500	71.5	6,998,268	28.5	5.6
5	Rhode Island.....	48.8	7,017	691,301	61.9	424,371	38.1	3.2
6	Connecticut.....	49.6	11,755	6,853,125	64.9	3,691,685	35.1	6.4
MIDDLE STATES.								
7	New York.....	75.8	13,326	45,043,579	65.4	23,793,428	34.6	5.4
8	.....	67.5	18,324	16,832,410	64.5	9,008,513	35.3	5.9
9	.....	83.3	15,011	52,834,105	68.3	30,528,323	36.7	6.5
10	.....	65.4	3,399	478,907	71.6	187,894	28.4	4.1
11	District of Columbia.....	82.5	14,403	9,554,893	63.1	5,756,550	37.9	9.9
12	.....	60.8	10,940	29,894	57.8	31,878	42.7	36.4
WESTERN STATES AND TERRITORIES.								
13	Ohio.....	75.7	11,336	41,089,843	68.9	18,469,608	31.1	4.7
14	Michigan.....	71.6	6,811	10,345,364	73.1	3,950,624	36.9	3.5
15	Indiana.....	74.6	6,433	18,243,490	75.2	6,086,572	34.6	3.4
16	Illinois.....	76.7	7,430	33,217,052	61.7	20,869,330	38.8	6.0
17	Wisconsin.....	81.4	4,833	6,608,390	59.8	4,538,432	40.7	6.1
18	Minnesota.....	77.0	2,441	3,408,008	80.5	309,849	19.3	0.9
19	Iowa.....	72.9	3,411	5,313,753	70.3	2,370,335	39.7	2.3

20	Kansas	63.2	3,833	6,272,913	59.1	4,123,433	40.9	3.1
21	Nebraska	62.4	6,541	5,746,897	50.6	5,612,050	49.4	4.1
22	Missouri	67.6	5,622	7,864,214	63.8	4,322,694	36.2	3.2
23	Wyoming Territory							
24	Utah Territory	64.0	7,522	566,254	42.5	766,358	57.5	13.0
25	Dakota Territory	61.9	2,668	82,639	50.8	80,086	49.2	8.0
26	Colorado Territory	53.2	2,830	569,613	54.3	528,933	45.7	2.8
SOUTHERN STATES AND TERRITORIES.								
27	Virginia	67.4	3,599	4,334,949	61.7	2,763,294	38.3	2.8
28	North Carolina	71.9	2,405	1,585,026	54.8	1,312,052	45.2	3.7
29	South Carolina	79.0	3,477	2,133,709	61.3	1,376,318	38.7	4.3
30	Georgia	77.3	4,393	5,426,473	70.5	2,267,472	29.5	5.5
31	Florida	62.0	1,267	309,000	64.4	170,000	35.5	2.4
32	Alabama	60.8	3,008	3,802,130	76.5	1,155,811	23.5	1.9
33	Mississippi	75.7	4,644	3,438,276	64.3	1,936,050	35.7	4.5
34	Louisiana	71.1	5,010	1,637,229	60.5	1,033,260	39.5	3.1
35	Texas	77.8	4,137	3,582,212	58.2	2,565,436	41.8	5.7
36	Kentucky	68.3	5,475	5,180,198	71.9	2,019,795	28.1	3.8
37	Tennessee	70.5	5,237	3,312,924	74.4	1,138,593	25.6	4.5
38	Arkansas	50.8	1,591	532,351	62.7	345,253	37.3	0.9
PACIFIC STATES AND TERRITORIES.								
39	California	63.4	9,477	6,418,110	42.0	8,858,639	58.0	5.7
40	Oregon	*						
41	Nevada	*						
42	Washington Territory	*						
		13.1	7,947	342,609,373	65.1	183,810,563	34.9	4.96

* Statistics wanting.

RAILROAD LINES AND PARTS OF LINES IN WISCONSIN, with their Classification, Locality, Length of Track and Weight of Rail, January 1, 1874.

NAMES OF COMPANIES AND DIVISIONS.	§ 3 5	From	To	Length of Divisions.	Miles in Wisconsin.	Miles, total.	Rail, lbs.
CHICAGO, MILWAUKEE & ST. PAUL RY.					724.17	1,899.00	about 60
La Crosse Division	A	Milwaukee	La Crosse	196.00			
Prairie du Chien Division	A	Milwaukee	Prairie du Chien	198.00			
Madison Line	A	Watertown	Madison	87.00			
Northern Division	A	Milwaukee	Portage	96.00			
Northern Division	A	Horicon	Berlin	48.00			
Northern Division	A	Rush Lake	Winneconne	14.00			
Milwaukee and Northern ¹	A	Milwaukee	Schwarzbach	6.17			
South Wisconsin Division	A	Milton	Monroe	42.00			
Wisconsin Union Railroad	A	Milwaukee	Illinois Line	38.00			
Oshkosh & Mississippi Railway ²	A	Ripon	Oshkosh	20.00		80.00	
Madison & Portage Railroad ³	A	Madison	Portage	38.00		89.00	
Western Union Railroad ⁴	A	Racine	Beloit	68.70	85.20	208.25	
Eagle Branch W. U. Railway	A	Elkhorn	Eagle	16.50		16.50	
CHICAGO & NORTHWESTERN RAILWAY					473.54	1,996.85	60
Wisconsin & Peninsula Div	A	Sharon	Menominee River	220.50			40 to 60
Kenneshaw Division	A	Genoa	Kenosha	27.50			40 to 60
	A	Beloit	Winona Junction	176.60			40 to 60
	A	Genoa	Geneva Lake	8.70			40 to 60
	A	Illinois Line	Milwaukee	40.24			40 to 60
Northwestern Union Railroad ⁵	A	Milwaukee	Pond du Lac	63.80	63.80		56 to 60
La Crosse, Trempeau & Prescott R. R. ⁶	A	Mississippi River	Winona Junction	98.00	28.00		56
CHICAGO & TOMAH RAILROAD	C	Wauzeka	Reedstown				
CHIPPewa FALLS & WESTERN R. R. ⁷	C	Eau Claire	Chippewa Falls				
GALENA & PLATTEVILLE RAILROAD ⁸	C	Galena	Platteville				

Railway Statistics.

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GREEN BAY & MINNESOTA RAILWAY...	B	Green Bay.....	Merrillan.....	150.00	150.00	50,52,56
MILWAUKEE, L'KE SHORE & WES'N R. R.	C	Milwaukee.....	Appleton.....	125.00	125.00	50 to 60
TWO RIVERS DIVISION.....	C	Manitowoc.....	Two Rivers.....	.....	.....	.....
MINERAL POINT RAILROAD.....	C	.....	.....	49.00	51.00	.....
Main Line.....	C	Mineral Point.....	Illinois State Line.....	.....	.....	56
Dubuque, Platteville & Milwaukee..	C	Calamine.....	Platteville.....	.....	.....	56
PRAIRIE DU CHIEN & MCGREGOR R. R.	C	Prairie du Chien.....	State Line.....	1.75	2.00	56
SHEBOYGAN & FOND DU LAC RAILROAD.	C	Sheboygan...	Princeton.....	78.40	78.40	45 to 56
ST. CROIX & LAKE SUPERIOR RAILROAD	C	.....	.....	.....	.....	.....
SUPERIOR & ST. CROIX RAILROAD.....	C	Superior.....	State Line.....	15.60	24.60	.....
WEST WISCONSIN RAILWAY.....	C	.....	.....	192.00	211.00	50 to 60
Main Line.....	B	St. Croix River.....	Elroy.....	.....	.....	50 to 56
North Wisconsin Railroad ¹	B	North Wis. Junction.....	New Richmond.....	.....	.....	.....
WISCONSIN CENTRAL RAILROAD ²	B	Menasha.....	Worcester.....	313.60	319.77	{ 57
WISCONSIN CENTRAL RAILROAD ³	B	Ashland.....	Pensaukee.....	.....	.....	{ 57
Milwaukee & Northern Railway ⁴	B	Schwarzburg.....	Green Bay.....	.....	.....	56
Milwaukee & Northern Railway ⁵	B	Hilbert.....	Menasha.....	.....	.....	56
Milwaukee & St. Paul Railway ⁶	B	Milwaukee.....	Schwarzburg.....	.....	.....	about 60
WISCONSIN VALLEY RAILROAD ¹⁰	C	Tomah.....	Junction City.....	60.00	60.00	50
Totals.....		.....	.....	2,960.16	4,686.47	

¹ & Northern, for use in common. 2
³ 4
⁵ 6
⁷ making total length 40 miles. 8
⁹ 10
¹¹ Total miles in the state Jan. 1, 1875. 11

In Illinois.
 Jan. 1, 1874.
 1, 1874.

STATEMENT RELATING TO ORIGIN AND COST OF WISCONSIN RAILROADS.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

PRAIRIE DU CHIEN DIVISION.

Chartered February 11, 1847, from Milwaukee to Waukesha, under the name of "Milwaukee and Waukesha Railroad Company." Capital stock \$100,000. Charter amended March 11, 1848, extending the road via Madison to some point in Grant county on the Mississippi river. Capital stock, \$3,000,000. Name changed to "Milwaukee, Waukesha and Mississippi Railroad Company," and February 1, 1850, to "Milwaukee and Mississippi Railroad Company." Subscriptions to capital of the Milwaukee and Waukesha Company were first made at Milwaukee and Waukesha, February 7, 1848, and books were kept open until \$100,000 were subscribed. First directors elected May 10, 1849. At the end of the year 1849, total subscriptions to stock amounted to \$600,000. Survey from Milwaukee to Waukesha commenced June 7, 1849. Under this survey the maximum grades ascending to the westward were reported at 25 feet to the mile; eastward, 6 feet. No deep cut, no high embankment, no rock excavation, and no expensive bridges between Milwaukee and Waukesha. The estimated cost of this portion of the line—20½ miles—based on actual contract prices, and on actual proposals for iron, including entire cost of finished road and equipment, ready for operation, with necessary depot buildings, was placed by the directors in their annual report to the stockholders for the year 1849, at \$232,652 or \$11,849 per mile. The price of iron was included in this estimate, at \$50 per ton.

At the close of the year 1850, subscriptions to capital stock, by citizens of Wisconsin and by the city of Milwaukee, had reached nearly \$1,000,000, which subscriptions had been paid to a considerable amount, by mortgages on improved real estate in the country. The president of the company asserted that operations thus far had shown that the cost of the road complete, with the necessary buildings, would be about \$12,000 per mile.

At the close of the year 1851, the length of road in operation was about 30 miles, and the directors assumed that a sufficient amount had been expended on all the line completed and in course of construction, to equal the cost of 38½ miles. The total expenditures up to January 1, 1872, as far as ascertained, were as follows: grading and bridging, \$146,818.16; superstructure, \$246,485.43; right of way, \$9,407.54; real estate, \$24,230.15; Waukesha depot and machine shop, \$24,531.43; shop tools and fixtures for same, \$2,670.00; Milwaukee depot, including filling, \$1,911.46; water stations, \$641.11; equipments, \$71,718.65; engineering, \$18,743.99; *interest and exchange*, \$49,434.69; *incidental expenses*, \$4,745.39; *special expenses*, \$18,596.71; *loan expenses and commission*, \$12,465.16; salaries, printing and stationery, \$52,874.32; personal property, \$2,612.65;

taxes, \$144.70; other expenses, *including interest on capital stock, after deducting net earnings*, sufficient to make a total of \$660,788.10—or about \$17,000 per mile.

The cost of road-bed and superstructure for the 88½ miles named, exclusive of engineering, right of way, incidental and contingent expenses, was placed at about \$11,156 per mile. The cost of road-bed and superstructure of the 20½ from Milwaukee to Waukesha, exclusive of engineering, right of way and other contingent expenses, was placed at \$11,400 per mile, and the engineering and other expenses at about \$1,600 per mile. The cost of road-bed and superstructure for part of the road between Waukesha and Eagle Centre, 16½ miles, fully completed, exclusive of equipment, depot grounds and buildings, was placed at \$11,604 per mile. Sept. 29, 1851, the company contracted for the construction of the road to the east bank of Rock river, 81½ miles, for \$12,000 per mile, one-half in bonds of the road, and one-half in cash. For this price the contractors were to build and complete the road-bed and superstructure, with frogs, switches, turn-outs, bridges, culverts, etc., ready for the running of the cars, furnishing all materials, iron and ties included, equal to those on the best portion of the road previously finished. The company was to provide gravel banks, right of way, and the usual motive power and cars for transporting materials only. The contract was subsequently modified by the payment of cash in place of the bonds specified, at a discount of five per cent.

At the close of the year 1852, the main line was completed from Milwaukee to Milton, a distance of 62 miles, and a connection formed with Janesville by a branch road of 8 miles, constructed under the charter of the Southern Wisconsin Railroad Company. Total road in operation, 70 miles. June 15, 1852, \$600,000 of eight per cent. bonds were issued, secured by first mortgage on the road from Waukesha to Rock river, and by second mortgage on the road from Milwaukee to Waukesha. The amount of the second mortgage bonds was \$74,000, and these were reserved to be used in exchange for the first mortgage bonds on the same portion of the road, so that the entire bonds outstanding should not exceed \$600,000. The total paid subscriptions in stock up to Dec. 31, 1852, amounted to \$784,369.87. Of this amount, \$7,406.19, in partial payments for stock subscribed, had been forfeited to the company. The operating expenses of the year were 43½ per cent. of gross earnings. The cost of the whole road to Janesville, as far as then ascertained, was reported by the directors at \$19,494 per mile. The separate cost of the branch from Milton to Janesville, not including equipment, was given at \$98,968.18, or \$12,871 per mile. At this date the bonds of the company commanded a premium in market. The road was open to Eagle, 26 miles from Milwaukee, Jan. 22, 1852; to Palmyra, 42 miles from Milwaukee, Aug. 3, 1852; to Whitewater, 50 miles from Milwaukee, Sept. 24, 1852; to Milton, 62 miles from Milwaukee, Dec. 1, 1852, and to Janesville, about 70 miles from Milwaukee, Jan. 6, 1853. The equipment included 6 passenger cars, 35 eight-wheel box cars, 43 eight-wheel platform cars, 67 four-wheel gravel cars, 7 hand cars, and 9 locomotives. The cost of entire line to Janesville, as

above stated, included grading, bridging, superstructure, fencing, right of way, depot grounds, buildings, engineering, agencies and interest, after deducting net earnings of the year. The net earnings were \$46,100, and the interest paid, \$46,500.

By act of April 9, 1852, the Madison and Prairie du Chien Company was incorporated, and by act of June 25, 1853, the Madison and Prairie du Chien Company and the Milwaukee and Mississippi Company were authorized to consolidate in accordance with terms agreed upon, June 25, 1853. The road was opened to Stoughton, May 24.

During the year 1853 and 1854, the road was completed to Madison. Total miles in operation, December 31, 1854, 105. The gross receipts for 1853 were, \$226,918.48—the net receipts, \$134,340.14. The gross receipts for 1854 were, \$456,864.78—the net receipts, \$307,632.41. After paying all interest upon the debt, the balance of net receipts was declared equal to 22 per cent. upon \$754,665.32—the whole of the outstanding stock, except that held by the city of Milwaukee as security for bonds, on which the road paid the interest. This balance of net earnings was used for cancelling debts of the company, and a dividend of 15 per cent. paid to stockholders in stock, amounting to \$118,199.70. The remainder of net earnings was reserved for repairs and debt. The annual deterioration of road, from use and decay, was estimated from 2 to 4 per cent. Total funded debt, December 31, 1854, \$1,750,000, of which \$302,500—more than all the floating debt—remained in the hands of the company. Total paid stock, same date, \$988,655.32; total floating debt, \$238,002.80; total expenditure, \$2,729,082.11. Expenditure west of Madison \$100,000. Total expenditure on 105 miles of road in operation, for all purposes whatsoever, from the organization of company, \$2,679,082.11—about \$25,500 per mile. "This cost includes very valuable and extensive depot grounds, equal in value to \$500,000." The engineer reported, "a superior road bed and superstructure cannot be found on any road in this country." The company awarded from six to thirty acres of land to each of the stations—at Janesville, 16; at Milton, 10; at Fulton, 25; at Stoughton, 25; at Madison, 30; at Whitewater, about 10; at Milwaukee, about 20, in the heart of the business portion of the city, including 320 feet on Milwaukee river and 2,000 feet on the Menomonee river. At the end of the year 1854, the company had purchased and contracted for the right of way and depot grounds for the entire distance from Madison to Prairie du Chien, and Engineer Edgerton estimated the cost of completing the road from Madison to the Wisconsin river at \$13,090 per mile.

In April, 1855, the company contracted for the completion of the road from Madison to Prairie du Chien. The contract provided for a first class road, equal to that portion between Eagle and Madison, including right of way, fencing, crossings, cattle-guards, etc., and the expenditure of \$100,000 for buildings. The length of road was stated at about 100 miles, and the contractors were paid \$2,014,500—\$1,230,000 in bonds of the company, \$250,000 in mortgages taken in payment of stock, \$100,000 in cash, and \$434,500 in stock, all at par. Iron 58 pounds to yard. The western terminus of the road

continued through 1855 at Madison. Total paid stock, December 31, 1855, \$1,826,438.81; total funded debt, \$2,400,000. Total expenditures, to same date, for all purposes whatever, including Janesville branch, \$3,578,757.80, of which \$635,242.80 had been expended west of Madison, and \$20,879.12 for right of way from Janesville to Monroe, and depot grounds at those places. The estimated cost of completing the main line from Madison to Prairie du Chien, and the branch line from Janesville to Monroe, a total distance of about 134 miles, according to contracts let, was \$2,179,258, or \$16,268 per mile. The cost of additional equipment contracted for, and deemed necessary to complete line, \$241,985, making the entire estimated and constructed cost of the road complete to Prairie du Chien and Monroe, (238 miles of line and 30 miles of side-track,) with full equipment, including expenditures for all purposes from the beginning, \$6,000,000—deducting cost of side-track—less than \$25,000 per mile. The gross earnings for 1855 were \$691,843.94; operating expenses, \$273,797.06, or 40 per cent. of gross earnings. During the year the directors paid all the interest on funded debt, and declared a dividend on stock of 17 per cent.—10 per cent. in cash and 7 per cent in cash. To aid the construction of the road from Janesville to Monroe, the city of Milwaukee issued bonds for \$300,000, and subscriptions were obtained in the counties of Rock, Green and Stephenson, for \$362,700, one-half of the latter payable in cash and the remainder in mortgages upon land. December 12, 1855, the company contracted for all the work and materials on this part of the road, except rails, spikes and chairs, at \$10,324 per mile—\$300,000 to be paid in Milwaukee city bonds at par, the remainder in cash.

December 31, 1856, the total stock paid footed up at \$2,975,019.38, and the funded debt at \$3,350,000. Total expenditures to that date, with estimated cost per contract of completing lines to Prairie du Chien and Monroe, estimating all stock and securities at par, \$6,582,810, an average cost per mile including side tracks, of \$24,589. The increase in estimate of previous years is accounted for by extra cost of depot buildings west of Madison, \$100,000; extra rolling stock, \$83,000; depot grounds and other extra expenditures in Milwaukee, \$90,000; discount on forfeited stock, \$50,201; dividend on stock to contractors, \$56,115; discount on southern Wisconsin and Milwaukee city bonds, \$70,000; interest on bonds to contractors, \$98,000; additional side tracks and depot buildings, \$13,040; and interest on farm mortgages, \$21,583. Gross earnings for the year, \$680,472.80; operating expenses, \$307,781.06, or 45 per cent. of gross earnings. Interest was paid on funded debt and a dividend of 10 per cent. declared on stock.

The balance of the main line to Prairie du Chien was opened April 15, 1857, and the Southern Wisconsin line to Brodhead, September 1, 1857. At the close of the year ending December 31, 1857, the president reported the entire line completed to Prairie du Chien and Monroe, a total distance of 235 miles, in addition to 28 miles of side track, the whole valued at \$6,841,627.11. The company also owned 200 miles telegraph line, \$7,600; shop tools and fixtures, \$13,430; 748 acres wood land, \$12,500; rolling stock, \$808,980; materials and stock on hand, applicable to repairs and operating, \$184,257; assets,

\$867,118. Estimated total value of property and effects, \$8,235,512.11. Liabilities of company, capital stock paid, \$3,440,672.51; funded debt, \$3,734,500; Milwaukee city bonds, \$534,000; floating debt, \$526,339.60; total liabilities, \$8,235,512.11. Deducting materials and stock on hand, applicable to repairs and operating, also assets applicable to extinguishment of floating debt, \$532,182. The directors report to the stockholders December 31, 1857, the sum of \$7,703,330.11, as "substantially the cost of your road and its equipments," embracing all expenditures, losses, discounts, interest, commissions and exchange, about \$29,000 per mile including side track.

The gross earnings for the year 1857 were \$882,817.89; operating expenses \$412,200.10—or 46 per cent. of gross earnings. The equipment consisted of 13 locomotives, 5½ feet drivers; 10 locomotives, 5 feet drivers; 21 locomotives, 4½ feet drivers; 33 first class passenger cars; 13 baggage and post office cars; 411 house freight cars; 107 platform cars; 40 gravel cars; 39 hand cars and 22 iron cars, valued as follows: locomotives, \$379,450; cars, \$429,530. Length of track, as stated by Superintendent, as follows: Main line, 191.93; southern line, 42.48; total, 234.41 miles. Side track, on main line, 23.46 miles; southern line, 4.16 miles; total side track, 27.62 miles. The President, in an exhibit of the affairs of the company, dated April, 1858, reported "construction account closed."

[For further statement of debt and cost, see tabular abstract of reports to Secretary of State.]

IOWA AND MINNESOTA DIVISION.

March 11, 1865, the Prairie du Chien Railway Company leased the McGregor Western Railway, in the state of Iowa, for the term of nine hundred and ninety-nine years; took possession of that portion of the road in operation at the close of that month, and of the whole road, finished and unfinished, on the 1st of the ensuing August. The Prairie du Chien Company was to complete the road and supply rolling stock; was to operate the road and, after deducting expenses of operation and repairs from earnings, was to receive 8 per cent. per annum on the cost of the equipment furnished; the remainder of the earnings were to be applied to the payment, first, of liens and judgments against the road; second, of maturing interest on the bonds of the road, not exceeding \$28,000 per mile upon the first 60 miles, and not exceeding \$15,000 per mile upon a further length of road, and the balance to the McGregor Western Company. The Prairie du Chien Company were also permitted to complete unfinished portions of the road from its own funds, or from the earnings of the leased road, and to receive 8 per cent. interest upon all funds advanced for this purpose. The Prairie du Chien Company, having reserved the option of purchasing the McGregor Railway within a specified time, by exchanging the second preferred stock of the Prairie du Chien Company, at par, for the bonds of the McGregor and Western Company, for not exceeding \$18,000 per mile for the first sixty miles of the road, and \$25,000 per mile for the remaining portions of the road, and by also exchanging the common stock of the Prairie du Chien Company for

the common stock of the McGregor and Western Company, at the rate of one hundred dollars of the former for every two hundred dollars of the latter—provided the total stock of the latter should not average more than \$22,000 for each mile of road constructed at the time of such purchase. The sale was to include land grants, donations and subscriptions. Under this contract, \$274,000 in first preferred full paid stock at or over par, and \$26,000 in common stock at 150 per cent., were issued under the lease, during the year 1865.

Before the close of the year 1866 the Prairie du Chien Company availed itself of its option of purchasing the McGregor & Western road in accordance with the terms heretofore specified, and after an advance to the McGregor company of about \$500,000 for new construction. In making this purchase, the Prairie du Chien Company became the equitable owner of a land grant of about 2,500,000 acres, donated to aid in building the McGregor Western from McGregor to O'Brien county, Iowa—a distance of about 200 miles. [The grant was subsequently resumed by the state and re-granted to the McGregor and Sioux City Railway Construction Co.]

The entire length of the Iowa and Minnesota Division from North McGregor, Iowa, to St. Paul and Minneapolis, is 220 miles. The length of the Minnesota portion of the line—from St. Paul and Minneapolis, and from Austin to the Iowa state line, is 148 miles. The original Minnesota charter was granted March 1, 1856, to the "Minneapolis and Cedar Valley Railroad Company." The name of the company was subsequently changed to "Minnesota Central." Minnesota loaned its bonds to the company to the amount of \$600,000, and work commenced on the main line in 1857; but after the construction of about three-fifths of the road-bed, the road was forfeited to the state for non-payment of interest on the bonds, and subsequently went into the hands of a new company upon condition that the road should be completed within a stated time. The work of preparing the road for rails from Minneapolis to Fairbault, 56 miles, was commenced by the new company in August, 1863, and the line was opened for business from Mendota to Northfield, September 4, 1865, and from Minneapolis to Fairbault, October 13, 1865. The entire cost of the road, completed and equipped, was estimated at about \$3,000,000, or about \$1,700,000, besides the cash value of land granted.

The charter of the "Minnesota Central" Company was amended March 9, 1867, and the chartered line of the road now runs from Red Wing via Fairbault to the south-west part of the state of Minnesota. It has the right to build a branch from Red Wing via Rochester to the south line of the state, to bridge and ferry the Mississippi river at Red Wing; also to consolidate with the Cannon River Improvement Company, which has the right to build a railroad from Red Wing via Fairbault and Waterville to Mankato, and to receive therefor 300,000 acres of swamp land. Land was granted to the Minnesota Central company to the amount of 171,000 acres, and the company had received but 1,000 acres of this land, by deed from Minnesota prior to August 31, 1872.

Before the Prairie du Chien Company exercised the option of purchasing the McGregor and Western Railway, in 1866, the latter company had consol-

idated with the Minnesota Central Railway Company, then extending from Minneapolis to Owatonna. [See Appendix 6, 115.] Seventy-one miles of this line was in operation and a large amount of work had been done between Mendota and St. Paul (eight miles), and on other parts of the line. According to the terms of this consolidation, the McGregor Western Company took the Minnesota Central, subject to a mortgage of \$2,000,000 and to a floating debt of \$100,000, and paid therefor \$2,000,000 in the stock of the McGregor and Western. The purchase of the McGregor and Western road by the Prairie du Chien Company transferred this contract of consolidation to the latter company, which, under the terms of their agreement with the McGregor and Western, thus secured the Minnesota Central by the payment of \$1,000,000 in stock for the \$2,000,000 in stock issued by the McGregor and Western Company. The whole line thus acquired extended from McGregor to Minneapolis, 220 miles. Of this line 85 miles—from Cresco to Owatonna—then remained to be built. The construction of this portion was placed under contract the same year for \$3,000,000—\$2,000,000 payable in mortgage bonds upon the whole line from McGregor to St. Paul, and \$1,000,000 in the common stock of the Prairie du Chien Company.

By the terms of the sale to the McGregor Western Railway Company, by the Minnesota Central, the lands belonging to the Minnesota Central Company were reserved from the sale to the Minnesota Company, and consequently did not pass into the hands of the Milwaukee and St. Paul Company when the McGregor and Western was transferred to the Milwaukee and St. Paul. The amount of these lands of the Minnesota Central sold and contracted to be sold prior to Aug. 31, 1873, was 64,893 acres, at an average price of \$6.54 per acre. The officers of the Minnesota Central, Nov. 25, 1873, were Selah Chamberlain, President; Russell Sage, Vice-President, and Russell J. Baldwin, Secretary.

The following is a list of the property of the Minnesota Central, reported to the Minnesota legislature for the year ending August 31, 1873: Engine houses, 6; machine shops, 1; wooden bridges (aggregate length 3,203 feet), 20; trestle works (aggregate length 8,280 feet), 64; locomotives (average weight 54,000 lbs.), 36; snow plows, 8; first and second class passenger cars, 15; mail, express and baggage cars, 4; freight cars (estimated), 325. The capital stock issued in August, 1873, was estimated as follows: common stock, \$1,651,048; preferred stock, \$1,500,952; total stock, \$3,152,000. Funded debt, 7 per cent. bonds (estimated proportion for Minnesota), \$2,450,000. The gross earnings for the year ending August 31, 1873, were \$765,795.01, and the net earnings \$128,916.77. The amount paid for dividends (on preferred stock) the same year was \$52,533.32, and the amount paid for interest was \$171,500; capital stock per mile of road operated (148), \$21,297.30; funded and unfunded debt per mile, \$18,200.39. Total, per mile, \$39,497.67. Gross earnings per mile, \$5.174, 29. Operating expenses per mile, \$4,308.28.

Annexed is the estimate of the Minnesota commissioner as to the cost of the Minnesota Central equipment: (See Minnesota Report.)

The Minnesota Central was sold to the McGregor Western Railway Com-

pany, June 22, 1867; (for terms of this sale, see Appendix, p. 115.) The "McGregor Western Railway," embracing the whole line of the present Iowa and Minnesota division of the Chicago, Milwaukee and St. Paul Railway Company, was sold to the Milwaukee and St. Paul Company, August 5, 1867; (for terms of this sale, see Appendix, p. 115.) That portion of the Minnesota Central Railway, from Austin, southerly to the state line, to a point of connection with the Cedar Falls and Minnesota Railway Company, a distance of 11 miles, was sold to the Milwaukee and St. Paul Railway Company, February 15, 1870. (For terms of this sale, see Appendix, p. 116.)

LA CROSSE AND MILWAUKEE.

Books of subscription to the capital stock of this company were opened June 24, 1852, under an act of the legislature approved the 2d day of the preceding April. Directors were elected August 3, 1852, and the organization was completed by the election of officers the 20th day of the ensuing August. At the close of the year conditional and unconditional subscriptions to stock had been received to the amount of \$280,000. Survey of the eastern division, from Milwaukee to Portage City, was commenced September 15, 1852. The maximum ascending grade westward, by the route finally adopted, was reported to be 80 feet per mile, and the maximum grade eastward, 20 feet. The estimate of the cost of a first class freight and passenger road to Portage City, 98 miles, was reported to the board at \$1,525,558.65, or \$15,566.93 per mile. Survey of the western division, from Portage City to La Crosse, was commenced October 27, 1852. It was estimated that no ascending grade would exceed 80 feet to the mile, and that the entire cost of the western division, including equipment, buildings and depot grounds, would not exceed \$1,474,760.15, or \$14,180.89 per mile.

July 4, 1853, the company contracted for grading and grubbing, for building culverts, bridges, road and farm crossings and cattle-guards, for cross-ties and laying the track from a point 18 miles from Milwaukee to Portage City, for \$7,000 per mile, one-quarter payable in stock, and three-quarters in cash. At the close of the year 1853, the engineer estimated the cost of the road, on the basis of contracts and expenditures to that time, as follows: Eastern division, 94.40 miles, \$2,065,000, or \$21,875 per mile; western division, 103.60 miles, \$2,206,163, or \$21,295 per mile. The resources of the road at that date were reported as follows: Capital stock subscriptions, \$1,200,000; Milwaukee city bonds, \$200,000; capital stock to be applied towards road construction, \$600,000; first mortgage bonds, \$1,810,000; notes, other obligations and cash, \$38,818.60. Total resources, \$3,848,818.60. A large proportion of the stock subscriptions consisted of stock subscription.

March 11, 1854, the La Crosse and Milwaukee company consolidated with the Milwaukee, Fond du Lac and Green Bay Railroad Company; the La Crosse and Milwaukee Company, under its original title subsequently representing and embracing the interests of both companies. The united capital stock amounted to \$6,800,000. The full paid shares brought in by the Milwaukee, Fond du Lac and Green Bay Company amounted to \$114,500

with instalments on partially paid shares, amounting to \$6,788.69. Farm mortgage land had been received by the latter company to the amount of \$40,000, \$31,000 of which had been sold and \$9,000 hypothecated. The consolidated company agreed to relinquish these mortgages to the grantors, and also to refund all cash installments upon stock subscribed in Washington and Fond du Lac counties, which agreement was fulfilled. By the act of consolidation, the construction of eighteen miles of line from Milwaukee reverted to the Milwaukee and La Crosse Company, at a cost on settlement for work done and materials furnished, of \$311,752.90. Other expenditures on the contract to Portage City, and for iron, depot grounds, buildings, docks, right of way, fencing, engineering and salaries, and for all other contingent expenses from commencement of operations, including interest, discount and commissions, had reached the sum of \$714,930.95; making the total expenditures to December 31, 1854, \$1,026,683.85. The receipts of the company had been as follows: Farm mortgages, \$617,000; full paid stock, \$273,800; installments on stock, 69,696.11; Milwaukee City Bonds, \$314,000; sundries, \$148,690.12. Total resources from commencement, \$1,423,187.38, leaving balance on hand, \$396,503.38, in addition to mortgage bonds of road from Milwaukee to Portage City, amounting to \$950,000. There were also in the hands of the stock agents of the company, farm mortgages in process of examination and registry, amounting to \$150,000. The whole available resources for subsequent operations from these sources, and from unpaid stock, were estimated at \$1,500,000. Iron for 33 miles had been purchased and delivered, and 8 miles had been completed. The property included 1 locomotive, 20 platform cars, one section of station building, and about 500 feet of dockage in Milwaukee. The Engineer estimated the cost of completing the grading and track to Horicon at \$266,000.

December 31, 1855, the road was in operation to Horicon—51 miles. The bed was thoroughly ballasted from Milwaukee to Hartford—34 miles; the right of way had been secured, 100 feet in width, to Beaver Dam; ample depot grounds had been obtained at every station, all of which, except at Milwaukee, were donated to the company; dock, warehouse, engine-house and machine shops had been completed at Milwaukee, and the road equipped with 12 locomotives, 10 first class passenger cars, 2 baggage cars with post-office car, 123 house freight cars, 70 platform cars and 22 sets of car wheels and axles. The expenditures of the road to December 31, 1855, including engineering, \$38,109.22; right of way and fencing, \$39,122.74; depot grounds, \$88,268.96; construction, \$1,110,677.18; buildings, \$36,631.59; engine houses and machine shops, \$15,453.75; rolling stock, \$244,472.40; salaries, 24,255.15; incidental expenses (with charter and organization expenses), \$36,014.86; expenses and liabilities incurred by consolidation with Fond du Lac Company, \$44,087.46; commissions, discounts and financial agencies, \$206,870. Total, \$1,883,963.31. The portion of this total of expenditures assigned to the eastern division, from Milwaukee to Portage City, was \$1,787,650.10, and it was estimated that the completion of the eastern division would require an additional expenditure of \$769,520—making total cost of eastern division, 95

miles, \$2,557,170.10—or \$26,917.58 per mile. The sources of the foregoing total expenditures were as follows: stock subscriptions, \$1,037,832.18; city of Milwaukee, \$214,000; first mortgage bonds, \$450,000; floating debt, \$82,131.13. Total, \$1,883,963.31. The company held in reserve toward the completion of the road: stock subscriptions unpaid, to amount of \$569,867.82; stock to contractors, \$200,000; Portage City, \$75,000; first mortgage bonds unsold, \$500,000. Total, \$1,344,867.82. The receipts for the year were \$32,134 18, and the directors estimated that the receipts for the ensuing year would reach \$400,000—sufficient to pay operating expenses, interest on bonds, sinking fund (\$11,500 per annum), and dividend of 16 per cent. on capital stock paid.

During the year 1856, trains commenced running to Minnesota Junction, March 6; to Rolling Prairie, March 18; to Beaver Dam, April 24; to Fox Lake, October 27; to Midland, December 29. March 29, 1856, the company contracted with Chamberlin & Alden to complete the road from Beaver Dam to Portage City, (about 84 miles), by the last of December of that year. The contract included grading, bridging, culverts, ties, chairs and spikes, and the laying of track, and the price to be paid was \$12,000 per mile. The work and materials to be furnished under this contract contemplated a finished road, of first class, including all items of cost, except iron rails and ballasting upon those sections where suitable material could not be obtained. This contract was completed during the ensuing January. During the year 1856, nearly all the additional right of way to Portage City was purchased, and the lumber was purchased and delivered for fencing the whole road from Milwaukee to Portage City, and most of the fences constructed. The right of way also, was mostly secured from Portage City to Mauston (about 36 miles), as the directors reported, "at a moderate cost."

During the year the La Crosse and Milwaukee Company purchased the Milwaukee and Watertown road, and the two roads were consolidated. In this purchase an equal amount of the stock of the La Crosse Company was paid for the stock of the Watertown Company, but the stock of the La Crosse Company was not to be paid for the stock of the Watertown company until one year after the date of the consolidation. The La Crosse Company assumed the debts and liabilities of the Watertown Company, and increased its stock to meet the obligations and liabilities of the purchase to the amount of \$592,900. For the purpose of construction the La Crosse road was subsequently the same year divided into five divisions: 1. Eastern Division, from Milwaukee to Portage City, 95 miles. 2. Western Division, from Portage City to La Crosse, about 101 miles. 3. Northwestern Division, from Portage City to the St. Croix, about 228 miles. 4. Watertown Division, from Junction, via Watertown, to intersection of Eastern Division, estimated at 71 miles. 5. Portage Division, from Madison to Portage City, estimated at 40 miles. Separate books were kept, exhibiting the cost of each division, the means provided and amounts of stock issued therefor. The stock of the eastern division was deemed general stock, and was entitled to dividends from and after July, 1856, prior to which time interest was paid in stock at ten per cent. per annum. The stock of each of the other divisions was to

draw interest, payable in the stock of each division respectively, at ten per cent. per annum, until the first dividend day after the completion of such division, when the stock of such division was to become general stock, and the accounts of the division transferred to the general accounts of the company. Prior to this separation of the road, but one set of books was kept, and when the new accounts were opened certain general expenses were apportioned to the accounts of the several divisions. The purposes and amounts of those general expenses are thus stated:

Depot grounds, passenger and freight stations and fixtures, wharfings, buildings and other improvements, \$228,866.47; consolidation with Milwaukee, Fond du Lac and Green Bay Co., \$44,679.59; legal expenses \$1,727.78; real estate, other than depot grounds, \$25,092.28; taxes and insurance, \$2,576.80; connecting railroads and steamboats, \$24,571.49; salaries, incidental expenses, office furniture, personal property, etc., \$118,404.52. Total, \$445,918.38. These payments were thus apportioned: Eastern Division, \$112,276.85; Western, \$63,018.07; Northwestern, \$166,820.76; Watertown, \$62,097.51; Portage, \$41,705.19. The total receipts of the company from all sources were thus stated: Capital stock, \$2,081,200; Milwaukee city bonds, \$814,000; first mortgage bonds, less amount converted into stock, \$942,500; farm mortgage bonds, less amount converted into stock, \$918,500 (the whole issue of these bonds amounted to \$1,080,400); convertible 7 per cent. 5 years bonds, less amount converted into stock, \$107,000; floating debt, \$68,607.60; income prior to July 1, 1856, \$212,718.50; profit and loss, \$8,528.14; consolidation bonds (Watertown division) issued in exchange for stock of Milwaukee and Watertown Co., \$35,800. Total receipts, \$4,688,849.24. Seven per cent. bonds to the amount of \$1,000,000 were issued in October, 1856, on account of land grant road "for the purpose of meeting preliminary expenses, in making surveys, procuring right of way, depot grounds, etc., and defraying expenses incidental to the organization, land department, charter expenses, agencies, etc," which are not included in the preceding statement. The total expenditures up to Dec. 31, 1856, in addition to general expenses apportioned and already enumerated, were as follows: Eastern Division: engineering, \$47,800.76; right of way, fencing and land damages, \$51,094.46; construction, \$1,523,781.24; rolling stock, \$457,837.55; materials on hand, \$38,800.30; interest, discount, and financial agencies, \$460,014.77; individual accounts, \$6,006.37; operating expenses, prior to July, \$68,951.47; bills receivable, \$17,627.50. Western Division: engineering, right of way, interest, agencies, incidental expenses and construction, \$218,878.72. Northwestern Division: engineering, right of way, interest, agencies, incidental expenses and construction, \$512,890.16. Watertown Division: engineering, right of way, interest, agencies, incidental expense and construction, \$96,329.58. The total cost of the several divisions to Dec. 31, 1856, estimating rolling stock at \$8,000 per mile, was stated as follows: Eastern Division, \$2,788,191.27; Western Division, \$281,891.79; Northwestern Division, \$679,710.92; Watertown Division, \$599,785.68; capital stock, \$225,071 and bonded debt, \$735,400; Portage Division, \$188,084.77. The estimated cost of completing the several

divisions was as follows: Eastern Division, \$60,000; Western Division, \$3,121,000; Northwestern Division, \$5,016,000; Watertown Division, \$400,000; Portage Division, \$720,000. Actual and estimated total cost of divisions, \$18,860,085.88. The average cost per mile of each division, based upon the costs as above stated and estimated, including 12½ per cent. for side track, is as follows: Eastern Division, \$26,571.88; Western Division, \$21,264.53; Northwestern Division, \$22,248.91; Watertown Division, \$25,753.21; Portage Division, \$19,067.44 — or a general average of \$23,061.71 per mile, including interest, discounts, cost of financial agencies, and all other contingencies.

By act of congress approved June 3, 1856, there was granted to the state, for the construction of a railroad from Madison or Columbus, by the way of Portage City, to the St. Croix River or Lake, thence to the west end of Lake Superior and Bayfield, every alternate section of land designated by odd numbers, for six sections in width on each side of said road. The right was also granted of selecting other lands within fifteen miles, on either side of the route, in lieu of odd numbered sections previously sold or appropriated. By act of the legislature approved Oct. 11, 1856, the La Crosse Company was authorized to construct a road from Madison and from Columbus, and thence on the route prescribed by the act of congress, and to receive the grant. During the year preliminary surveys were made. The value of the lands granted was estimated by the land commissioners of the company, at \$17,345,600, and the cost of the Western, Northwestern and Portage divisions of the road (869 miles) was estimated, when completed, at \$3,956,637.48. On the 31st day of December, 1856, the company executed a deed of trust to Greene C. Bronson, James T. Soutter and Shepherd Knapp on its conditional claim to these lands and on the divisions of the road last named, constructed or to be constructed, as security for the payment of the company's bonds to the amount of ten million dollars.

During the year 1857 the road was completed to Portage City, and track was laid on the Western Division as far as New Lisbon, 48 miles west of Portage City. In the meantime the total stock and debt of the company had increased to \$15,980,708.68, including collateral, amounting at par value, to \$917,670. Dec. 26th the Watertown Division was sold to the Madison, Fond du Lac and Michigan Railroad Company, which relieved the La Crosse Company of \$717,000 for which it became liable by the consolidation, and also of \$288,000 of 8 per cent. second mortgage, which the Madison, Fond du Lac and Michigan Company assumed. September 26th the La Crosse Company executed to the contractor, Selah Chamberlain, a lease of the entire road, in order to secure a continuance of work upon the line, and the payment of arrears due the contractor, then amounting to over \$600,000, for which amount an entry of judgment was permitted. At this time the stock of the company was selling at six per cent. and the land grant bonds at 20 per cent. A change of directors ensued, giving a majority in direction to eastern stockholders.

In December a contract was made with Mr. Chamberlain to complete the land grant road from New Lisbon to the Junction, by September, 1858. The

company had already received from the governor a certificate for 230,400 acres of land, and the completion of Mr. Chamberlain's contract would entitle it in all, to 307,200 acres. For the purpose of increasing the credit of the land grant bonds, and of furthering the construction of the road to La Crosse, an additional deed of trust was subsequently executed, by which the issue of these bonds, as a lien upon the road from Portage City to La Crosse, and upon the lands belonging to the line from Portage City to the Junction (307,200 acres), should be limited to \$4,000,000. By the terms of the lease to Mr. Chamberlain, the earnings of the road were first to be applied to necessary repairs of road and rolling stock; secondly, to the payment of interest on the mortgage debt and sinking fund of the Eastern division (amounting to \$189,980), and the surplus to the payment of Mr. Chamberlain's judgment. By the new contract for completing the line to La Crosse, the earnings of the Western division were to be applied, first, to the payment of interest on the land grant bonds, and the surplus to the same purposes as stipulated in the lease. Mr. Chamberlain was to receive \$1,500,000 in the bonds on his contract. The company were thus left without income except for purposes above specified. The directors attributed the following liabilities to the contest for the land grant. Construction bonds of 1862, charter expenses, \$1,000,000; construction bonds of 1867, for purchase of St. Croix and Lake Superior Co., \$1,000,000; stock, for charter expenses at Madison, \$90,000; consolidation bonds, for stock in the M. & W. Co., and for "services," \$210,000; notes to M. & W. Co., \$150,000; capital stock, sold at 60 to 75 per cent. to meet debts of M. & W. Co., \$600,000. Total, \$3,050,000. No part of this sum is now included in the capital of the road.

[For further statements of cost and debt, see tabular abstracts of official reports to secretary of state.]

MILWAUKEE AND HORICON RAILROAD COMPANY.

Books of subscription were opened in Milwaukee, October 22, 1853. Directors were elected November 26, 1853. The engineer was directed to make a survey from Horicon to Stevens Point, and stock agents proceeded to the towns and villages on the line to secure additional subscriptions, and to receive in full payment of stock, mortgages on real estate, at half its value, at eight per cent. interest. Subscriptions of this class were first received to the amount of \$300,000.

January 20, 1854, a contract was made with the La Crosse and Milwaukee Railroad Company, to form a connection with the Milwaukee and Horicon Company at Horicon. The former company agreed to carry all passengers and freight of the latter company, to and from points between Milwaukee and Horicon, and north of that point, for eighty per cent. of all receipts from said passengers, freight and storage—all necessary freight and baggage cars being furnished by the Milwaukee and Horicon Company. January 25, 1854, the stockholders voted to fix the termination of the road at Berlin, and a contract was entered into for building the road to that point, ready for the rolling stock, except iron, chairs and spikes, for \$5,400 per mile, one-half cash,

one-quarter in bonds and one-quarter in stock. December 31, 1854, about seven miles were graded, ready for ties and iron. The engineer estimated that the entire cost of completed road from Horicon to Berlin—42 miles—with equipment, under contracts made, would reach \$794,800, or less than \$19,000 per mile, as follows: Contract for road-bed, \$226,800; iron rails, \$252,000; buildings, \$30,000; equipment, \$100,000; chairs, spikes, frogs and switches, \$16,000; right of way and fencing, \$50,000; side track, two miles, \$20,000; contingent expenses, \$100,000. This estimate was made under the order of the directors to make the estimate high enough to cover cost in any contingency. Waupun had voted to exchange bonds with the company to the amount of \$50,000, and Berlin to the amount of \$100,000, and depot grounds had been secured at Horicon, Waupun, Ripon and Berlin, without cost to the company. The resources of the company were: Stock subscribed, \$305,900; mortgage stock, \$160,000; stock to contractors, \$55,100; Berlin and Waupun bonds, \$150,000; first mortgage bonds, \$420,000; county and town bonds, to be voted, \$270,000. Total resources, \$1,361,000. Total amount expended to December 31, 1854, \$31,094.35.

RIVER DIVISION.

This road was chartered May 22, 1857, under the corporate name of "Minnesota and Pacific Railroad Company." Subsequently it became the "St. Paul and Chicago Railroad Company." It runs from La Crescent, opposite La Crosse, to St. Paul—a distance of about 128 miles. Work first commenced on this line in September, 1865; a portion of the road was opened for traffic in December, 1869, and the whole line was completed for business in 1872. In Aug., 1873, the road possessed seven water stations, one iron bridge 600 feet long, and 41 wooden bridges and trestles (aggregate length 8,118 feet). The rolling stock consisted of ten locomotives of an average weight of 60,000 lbs., one snow-plow, twelve first and second class passenger cars, four sleeping cars, ten mail, express and baggage cars, and 250 freight cars. The funded debt was \$4,000,000 in 7 per cent bonds.

This road was bought by the Milwaukee and St. Paul Railway Company, January 1, 1872, all its rolling stock, equipment, appurtenances and franchises included. The price paid was \$3,000,000 in the bonds of the Milwaukee and St. Paul Company, secured by a mortgage on the road from La Crescent to St. Paul, and \$1,000,000 in addition were issued on the completion of the road to La Crescent, which sum of \$4,000,000 is the total purchase price of the road—\$31,250 per mile. (See appendix B.)

The gross earnings for the year ending August 31, 1873, were \$632,765.80, and the net earnings, \$248,617.18. Amount paid for interest the same year was 290,033.32. Gross earnings per mile, \$4,943.48. Operating expenses per mile, \$3,000.14. Net earnings per mile, \$1,942.39.

The amount of aid voted this road by municipalities along the line of the road, was \$404,000, and the amount received by the company was \$200,000. The entire number of acres in swamp land grant from the state of Minnesota is given at 922,880.00. The entire number of acres received by the company

prior to August 31, 1872, was 81,049.35, and the number of acres yet to enure to the company was then about 842,000.

HASTINGS AND DAKOTA DIVISIONS.

This road was originally chartered February 20, 1857. Its original corporate name was the "Hastings, Minnesota River and Red River Railroad Company." The name was subsequently changed to "Hastings and Dakota Railroad Company." The line now extends from Hastings to Glencoe, a distance of 74 miles. The work of construction commenced in May, 1868. It was first opened for traffic in 1871, and was completed to Glencoe in August, 1872.

The following is an inventory of property for the year ending August 31, 1873: engine houses, 3; water stations, 6; wooden bridges (aggregate length, 427 feet), 2; other trestle work (aggregate length, 3,430 feet), 39. Rolling stock—locomotives (average weight, 40,000 lbs.), 3; snow plows, 1; first and second class passenger cars, 4; mail, express and baggage cars, 2; freight cars estimated, 75.

The capital stock issued in 1873 was \$750,000. The funded debt, \$1,850,000. The road was sold to the Milwaukee and St. Paul Company, July 1, 1872, which paid for the same \$1,850,000 in bonds secured on the road, and \$750,000 in the common stock of the Milwaukee and St. Paul Company, making a total of \$2,000,000 for the purchase price of the road, a rate of about \$27,000 per mile.

The gross earnings of the road for the year ending August 31, 1873, were \$55,736.46, or \$743.15 per mile, while the operating expenses for the year were \$80,770.95, or \$1,076.95 per mile.

This road was sold to the Milwaukee and St. Paul Company June 29, 1872, on the terms above specified, the sale including the following rolling stock: "five new locomotives, first class; seventy-five new box freight cars, and four new passenger cars." (See appendix, p. 118.)

MILWAUKEE AND ST. PAUL.

The Milwaukee and St. Paul Company was organized by articles of association filed with the Secretary of state May 5, 1863. The company purchased the "Milwaukee and Western" Railroad at public sale under a decree of the United States district court, in Milwaukee, June, 1863.

The Milwaukee and St. Paul company also purchased the "Milwaukee and Horicon" Railroad at public sale, under a decree of the United States district court, at Milwaukee, June 12, 1863. The road was bid in by Russell Sage and Washington Hunt for \$670,000. On the same day—June 12, 1863—the western division of the La Crosse and Milwaukee Road was delivered into the possession of the Milwaukee and St. Paul Company, under a decree of the United States district court in a foreclosure suit instituted by the owners of the land grant mortgage, on that portion of the La Crosse and Milwaukee road between Portage City and La Crosse. The amount due on that mortgage, as determined by the court, was \$———. On the same day

and under the same order of the court, the eastern division of the La Crosse and Milwaukee road—from Milwaukee to Portage City—was placed in the possession of the Milwaukee and St. Paul Company, for the purpose of maintaining, in behalf of the public, a continuous railroad over the whole original line of road from La Crosse to Milwaukee. Under the direction of the court, the Milwaukee and St. Paul Company was required to operate the eastern division for the benefit of the creditors of that division, and to pay over to the receiver monthly all earnings from that portion of the line, except the cost of operation and necessary repairs. At this time, persons interested in the Milwaukee and St. Paul Company owned or controlled lands included in the mortgage to claimants against the eastern division to the amount of \$478,000, being nearly one-half the whole amount of the mortgage on that division. Dec. 31, 1865 the Milwaukee and St. Paul Company reported that it held prior liens against the eastern division of the La Crosse and Milwaukee road, as follows: balance on "land grant mortgage;" \$1,445,821, other claims, \$758,187.14; interest due, \$432,584.72. Total, \$2,636,092.86—about \$27,750 per mile. The directors claimed that these liens far exceeded the value of the property. During the ensuing year—1866—the eastern division was foreclosed in the United States district court.

The Milwaukee and St. Paul company, and all its assets, was represented January 1, 1866, by a cost set forth by the president and directors as follows: Real estate—depot grounds, \$150,000; first mortgage bonds, \$4,600,000; second mortgage bonds, \$1,500,000; preferred stock, \$2,400,000; common stock, \$1,000,000. The total length of road was then 275 miles, including western division of La Crosse and Milwaukee, 105 miles; Milwaukee to Portage City via Watertown, 91; Horicon to Berlin and Omro, 53 miles; Watertown to Sun Prairie, 26 miles; and the sum of cost, above stated, was \$9,650,000—or \$35,000 per mile.

May 1, 1866, an arrangement was agreed upon between the Milwaukee and St. Paul Company and the Milwaukee and Prairie du Chien Company, whereby the earnings of the two roads were "stocked" in proportion to the length of their respective lines. Subsequently, the same year, an arrangement was perfected by which a majority of the Prairie du Chien stock was transferred to the trustees of the Milwaukee and St. Paul Company, in exchange for the stock of the latter company, "on terms mutually beneficial and satisfactory." At the annual election of the directors of the Prairie du Chien Company the Milwaukee and St. Paul Company voted about two-thirds of the stock represented, and thus practically absorbed the whole line of the former company, with its Iowa connections, including the McGregor Western and the Minnesota Central. The former line was in operation from McGregor to Cresco, 66 miles, and the latter from Minneapolis to Owatonna, 71 miles. The road from Cresco to Owatonna, about 90 miles, necessary to complete a continuous line from Milwaukee to Minneapolis, was under contract, and the contractors were to receive for the work \$2,000,000 in mortgage bonds upon the line to be constructed, and \$1,000,000 in the stock of the Milwaukee and St. Paul company—one-half preferred

and one-half common, and no money. The same year, the Milwaukee and St. Paul Company agreed to guarantee, jointly with the Winona and St. Peters Company, the first mortgage bonds of the La Crosse, Trempealeau and Prescott Company, to an amount not exceeding \$1,000,000, to aid the latter company to build a line from La Crosse to a point opposite Winona, 28 miles, and a bridge across the Mississippi river.

January 1, 1867, the total length of finished road owned and leased by the company, was 647 miles, as follows: Milwaukee to La Crosse via Watertown, 196; Horicon to Berlin and Omro, 58; Watertown to Sun Prairie, 26; Milwaukee to Prairie du Chien, 200; Milton to Monroe, 85; McGregor to Cresco, 66; St. Paul and Minneapolis to Owatonna, 71. The material and supplies on hand were valued at \$580,329.59. The total property was represented as follows: Preferred stock, \$7,370,900; common stock, \$3,627,800; first mortgage bonds, \$4,592,000; second ditto, \$1,488,000; real estate, \$135,000. Total Milwaukee and St. Paul securities issued, \$17,213,700. Not included in the foregoing amount were: Prairie du Chien Company's first preferred stock, \$3,204,296; second preferred do., \$841,400; common do., \$99,000; mortgage bonds, \$390,500. Total, \$4,535,196. On McGregor and Minnesota line, common stock, \$138,500; mortgage bonds, \$2,109,000. Total, \$2,247,500. Adding all together, we have a total amount of stock and debt, for 647 miles of road, of \$23,906,396—or \$37,000 per mile. During the year 1867, the company came into permanent possession of the eastern division of the La Crosse and Milwaukee line, 95 miles, and 78 miles were added to the line between Cresco and Owatonna, making the total length of the road at the close of the year, 820 miles. No dividends were declared on either class of stock of the St. Paul Company, "all the net earnings being required to pay for new buildings and additional equipment for the road." The cost of the road from McGregor to Minneapolis, 215 miles, was placed at \$9,015,000—or over \$41,000 per mile, mostly in bonds and stock. At the close of the year the company was engaged in constructing no new line, except an extension from Omro to Winneconne, five miles, at an estimated cost of \$70,000, or \$14,000 per mile. At Winneconne the company had received valuable donations of right of way and depot grounds.

In November, 1868, the extension from Omro to Winneconne—5 miles—was completed at a cost of \$82,600, making the total length of road 825 miles. December 31, 1868, the cost of the whole road, represented by total stock and debt, was stated at \$32,552,341, or \$39,457 per mile; the total increase for the year being \$2,298,116, with an increase of five miles of road. The transfer of the Prairie du Chien line to the St. Paul company was formally completed. The elevator buildings on the lands of the company at Milwaukee were purchased for \$300,000 and leased to Angus Smith & Co., for five years, "at a price which will give the company a fair profit on the purchase," the price made dependent on business done. The company also engaged during the year in constructing the line from Sun Prairie to Madison—a distance of about 12 miles; and the directors entered into contract to purchase or consolidate with the McGregor and Sioux City Railway, from Calmar to Charles

City, Iowa, about 50 miles, to be paid for in Milwaukee and St. Paul first mortgage bonds, secured by mortgage on the new line, and stock of the Milwaukee and St. Paul company. During a portion of the year 1868, up to the close of the year, the company operated the West Wisconsin road, as lessees. The same year an act was passed by the legislature classifying the directors of the road, and authorizing the bondholders of all classes, to cast one vote at all trustees elections for each \$100 of the principal of their bonds.

December 31, 1869, the directors reported an increase of 92 miles in the length of the road, viz: from Sun Prairie to Madison, in May, 12 miles; a branch line from Conover, on the Iowa and Minnesota division to Decorah, 10 miles; a branch from Mendota to St. Paul, $5\frac{1}{2}$ miles; from Schwarzburg to Wauwatosa, about 6 miles, and from Calmar to Nora Springs, about 65 miles. Total, 917 miles. The St. Paul company continued also to operate the West Wisconsin road, extended from Tomah to Augusta, about 66 miles. The construction of the Sun Prairie extension was added to capital account, at \$176,628.45—\$14,719 per mile; the St. Paul branch, $5\frac{1}{2}$ miles, at \$787,879.02—\$34,150 per mile; Decorah branch, 10 miles, at \$116,999.56—\$11,700 per mile; Schwarzburg to Wauwatosa, 6 miles, \$163,891.05—\$27,315 per mile. Other expenditures on construction and property account, increased the amount of expenditures to \$1,630,533.18, in addition to \$828,900 added to capital for stock dividends. Total cost of road at close of year, represented by stock and debt, was stated at \$35,370,772, or about \$37,800 per mile.

December 31, 1870, the directors reported an increase of 101 miles in the length of the road, viz: From Nora Springs to Algona, 61 miles; Austin to Mason City, 40 miles. Among the items of expenditures for the year added to total cost of road, represented by debt and stock, were the following: Second mortgage bonds, sinking fund, \$72,000; new cars, \$179,065; ten new locomotives, \$126,450; purchase of Prairie du Chien Transit and Ferry Company, \$71,581; new buildings, turn-tables, etc., in Iowa, \$84,182; new buildings at La Crosse, \$73,172; new buildings at other points on the Mississippi river, \$25,000; new freight house at Milwaukee, \$22,613; additional depot grounds and stock yards at Milwaukee, \$27,589; additional draw-bridge at Milwaukee, \$4,793; docks and canals at Milwaukee, \$15,222; right of way, all lines, \$15,663; winter bridge at Prairie du Chien, \$15,850, and other items, making a total sum of \$766,729, in addition to \$828,900 paid for dividends in common stock, and \$747,291 paid for dividends in cash and common stock.

Dec. 31, 1871, the company reported an increase of road. The cost of the whole road—1,018 miles—up to March 1, 1871, was thus stated: mortgage bonds, \$18,183,500; preferred stock, \$10,825,108; common stock, \$11,822,878; total cost, \$40,831,481. Previous to this date, the company had purchased \$2,001,000 of the capital stock of the Western Union Railroad, and paid therefor \$1,500,750 in the securities of the St. Paul Company. Deducting this last sum from the total stock and debt of the St. Paul Company, the balance of \$39,330,731 represents the cost of the 1,018 miles of road owned by the Milwaukee and St. Paul—\$38,650 per mile. From Dec. 31, 1869, to March 1,

1871, the increase in the total stock and debt of the company was \$6,267,263. Nearly all this increase was thus apportioned: for purchase of road from Nora Springs to Algona, 63 miles, bonds, \$1,008,000, preferred stock, \$504,000 and common stock \$504,000—total, \$2,016,000—\$32,000 per mile. For purchase of road from Austin to state line—11 miles—preferred stock, \$176,000 and common stock \$176,000; total, \$352,000—\$32,000 per mile. For purchase of road from state line to Mason City—29 miles—preferred stock, \$400,000 and common stock \$400,000; total, \$800,000—\$27,586 per mile. On Prairie du Chien Railway stock—preferred stock, \$835,000 and common stock \$833,000, total, \$1,668,000. For purchase of Western Union stock, it being a majority of that stock at 75 per cent. in St. Paul common stock, \$1,500,750. For dividends on earnings of 1869, \$828,900. For dividends on earnings of 1870, common stock, \$747,291. Dec. 31, 1871, the total cost of the whole road, less cost of Western Union stock, was reported at \$39,279.100, or \$38,580 per mile. During the year, the company earned 7 per cent. net on its preferred stock, and over 6 per cent. on its common stock. It paid 7 per cent. in cash to its preferred stockholders, and deferred the dividends on the common stock, having used the amount for this purpose in the improvement and acquisition of additional property.

January 1, 1872, the company leased the Oshkosh and Mississippi Railroad from Oshkosh to Ripon, 20 miles, paying as a rental therefor, 35 per cent of the gross earnings. The company also leased the Hastings and Dakota road, from Hastings to Carver, 48 miles, finished to Glencoe July 1, 1872, making 75 miles in all, paying as a rental therefor \$1,500 per mile of finished road per annum, and subsequently purchased the same for \$1,350,000 in bonds, and \$750,000 in stock, \$28,000 per mile. The company also purchased, January 1, 1872, of the Chicago and St. Paul Railroad Company, the line extending from St. Paul to Winona and La Crescent, then in operation from St. Paul to Winona, 103 miles, and not completed to La Crescent, 27 miles. The price paid for this road was \$800,000 in 7 per cent. bonds of the company, payable in London in 1902, about \$30,000 per mile. The company also purchased the Sabula, Ackley and Dakota Railroad, from Sabula to Marion, Iowa, 87 miles, paying therefor \$1,485,000 in bonds, and \$825,000 in common stock; total, \$2,310,000, about \$26,550 per mile. These purchases increased the length of lines both owned and operated by the company from 1,018 miles to 1,283 miles, exclusive of the Western Union, all leased road, and the contemplated road from Winona to La Crescent. The total cost of these 1,283 miles was represented by \$23,965,000 in mortgage bonds, \$10,825,777 in preferred stock, and \$13,398,554 in common stock. Total, after deducting cost of Western Union, \$46,689,081, about \$36,390 per mile.

At the close of the year, 1873, the company owned the following road: Chicago to Milwaukee, 85; Milwaukee to St. Paul, via La Crosse, 324; Milwaukee to St. Paul, via Prairie du Chien, 405; Milwaukee to Portage City, via Horicon, 96; North Milwaukee to Schwarzburg, 6; Horicon to Berlin and Winneconne, 57; Watertown to Madison, 37; Milton to Monroe, 42; Calmar to Algona, 121; Conover to Decorah, 10; Austin to Mason City, 40;

Mendota to Minneapolis, 9; Hastings to Glencoe, 75; Sabula to Marion, 87. Total miles, 1,399. The company also owned 182 miles of side track. It also operated under lease the Oshkosh and Mississippi, 20 miles, and the Madison and Portage road, 39 miles making a total of 1,458 miles operated by the company. It also owned \$2,001,000 of the capital stock of the Western Union road. The cost of the 1,399 miles, including equipments, supplies, bridges, and elevators, was represented by mortgage bonds to the amount of \$26,262,500; preferred stock to the amount of \$12,274,483, and common stock to the amount of \$15,399,261. Total, \$53,936,244. This sum includes the stock of the Western Union at \$1,500,750 — leaving the stated cost of 1,399 miles at \$52,435,494. Statements of earnings and expenditure, as reported by the company, are published in the statistical tables of this report. The amounts paid under the head of operating expenditures during the year, in addition to ordinary operating expenditures, were as follows: Renewal of track, \$1,408,459.93; new bridges, \$41,787.48; new buildings \$62,411.89; new tools and machinery, \$5,172.32; stock yard expenses, \$8,348.76; Mississippi River Ferry expenses, \$34,984.20; rent of locomotives, \$2,220.00; rent of cars, \$25,769.86; expenses elevator A. \$4,687.01; expenses elevator B and C \$5,228.99; expenses elevator D, \$981.59. The weight of steel rails purchased, 6,103 tons, 278 tons of which were laid on the Chicago and Milwaukee Division, 5,725 tons on the La Crosse Division, and 100 tons on the Prairie-du Chien Division. The weight of new iron rails purchased during the year was 5,834 tons, 2,267 tons of which were laid on the La Crosse Division, 1,884 tons on the Prairie du Chien Division, 1,262 tons on the I. & M. Division, and 420 on the Northern Division. Re-rolled iron was also purchased and laid on the different divisions to the amount of 4,890 tons.

The rolling stock purchased and built during the year, consisted of 16 locomotives, at \$256,381.65; 2 sleeping cars, at \$21,797.69; 8 first class passenger cars, at \$29,036.82; 4 mail and express cars, at \$11,560.17; 300 box freight cars, at \$225,117.29; 15 flat cars, at \$8,571.88; 64 coal cars, at \$40,478.37. Total, \$592,943.87. The total amount charged to new construction was \$1,330,803.63, and consisted of payments for new locomotives and cars, La Crosse bridge, new fences, depot grounds and wharfs, new embankments, right of way, La Crosse freight burned, new buildings and grounds at St. Paul, La Crescent connection, Mississippi river ferry property, depot grounds at Austin, Sabula and Shakopee, local taxes, on purchase of Chicago and Milwaukee, St. Paul and Iowa and Minnesota divisions, construction of Chicago and Milwaukee division (\$289,729.10), construction Hastings and Dakota division (\$53,714.08), and construction of Illinois and Iowa division, \$122,303.28. The total equipment owned by the company Dec. 31, 1873, consisted of 198 locomotives, 64 first class passenger cars, 32 second class passenger cars, 11 sleeping cars, 57 baggage, mail and express cars, 2,984 box freight and caboose cars, 671 flat and coal cars, and 2 boarding cars.

During the year 1874, no additional line was constructed. In February the corporate name was changed to Chicago, Milwaukee and St. Paul Company. In March, the directors authorized the execution and issue of a con-

solidated mortgage upon the entire property and franchises of the company, to secure the payment of bonds to the amount of \$35,000,000. Of these, \$26,225,000 were set apart to exchange for an equal amount of bonds previously issued and secured on different divisions of the road, and the remainder were to be used only "for the purchase of steel rails, the erection and completion of bridges across the Mississippi river, the erection of grain elevators at Chicago and Milwaukee, and the further equipment and permanent improvement of the mortgaged property." Also in March, 1874, the directors declared a dividend of seven per cent. on the preferred stock, from the earnings of 1873, and the same was paid from the new issue of consolidated bonds, in place of net earnings of 1873, used for the purchase of new steel rails and other improvements of the road.

RACINE, JANESVILLE AND MISSISSIPPI RAILROAD COMPANY (NOW THE WESTERN UNION.)

The original line proposed extended from Racine to Janesville. Before proceeding to the construction of the road the route was changed to the present line of the Western Union road. The construction of the entire line from Racine to Beloit was first contracted April 1, 1853, and the work was vigorously prosecuted until the death of the contractor in the following month of August.

January 2, 1854, another contract was made for the grading, bridging and masonry between Burlington and Beloit, about 42 miles. The work on this contract amounted to about \$220,000, \$95,000 of which was payable in the bonds of the town of Beloit at 95 cents on the dollar, and the balance in cash. A separate contract was made for ties. Depot grounds were secured in Racine and Beloit, the former including 15 acres of land and 3,000 feet of river front. The directors estimated the total cost of the road, fully furnished and equipped in all departments, at \$1,340,000, or \$20,000 per mile for the 67 miles from Racine to Beloit. To meet this cost the following resources were relied upon: Stock subscription, \$619,100; stock towards construction, \$50,900; first mortgage bonds, \$670,000. Total resources, \$1,340,000. The capital stock consisted of the following items: Racine city bonds, \$300,000; Beloit bonds, \$100,000; Delavan bonds, \$25,000; Racine town bonds, \$50,000; private subscriptions in Racine, \$93,000; ditto in Beloit and on line, \$51,100. Total stock, \$619,100. In January, 1854, about \$60,000 of Racine city bonds, and all the bonds of Beloit and Delavan had been negotiated, and over \$37,500 had been paid on personal subscriptions. The details of estimated cost from Racine to Beloit, by the engineer, were as follows: Grading, masonry and bridging, \$342,036; 6,233½ gross tons of rail on track, at \$7,800, \$486,216.90; chairs and spikes, \$600 per mile, \$39,648; ties, \$58,113.75; laying track and dressing up, \$400 per mile, \$26,432; ballasting and raising track, \$86,710; 3½ miles of turn-outs, \$37,710; eight locomotives, \$72,000; eight

passenger cars, \$16,800; four baggage cars, \$6,400; 70 freight cars, \$45,500; platform and gravel cars, \$25,000; depot buildings, engine houses, etc., \$40,000; engineering, superintendence and agencies, \$35,000; right of way and fencing, \$6,000 per mile, \$66,080. Total cost of 66.08 miles, \$1,383,646.65, or \$20,938.96 per mile. The rails were calculated at 60 pounds per yard, with ties laid 27 inches from centre to centre, and the locomotives were to weigh 22 tons each.

FOX RIVER VALLEY RAILROAD.

The line of this road extended from Milwaukee via Waterford, Rochester and Burlington, down the valley of the Fox river, to the Illinois state line. In 1857 a conditional contract had been entered into with the Beloit and Milwaukee Railroad Company to connect the two lines at a point eleven or twelve miles from the city of Milwaukee, and leaving to this company but $31\frac{1}{2}$ miles to build from the point of connection to the state line. The subscriptions to capital stock at that date were: Individual subscriptions, \$155,700; corporate subscriptions, \$50,000; total, \$205,700. Of this amount there had been received the following payments: cash, \$15,260.92; farm mortgages perfected, \$38,600; 8 per cent. bonds of town of Burlington, \$35,000; 8 per cent. bonds of the town of Rochester, \$15,000. Total receipts, \$103,960. Disbursements of the company to the same date had been: for engineering, \$5,142.24; right of way, \$2,822.75; grading, \$15,528.08; superstructure and bridging, \$4,140.11; interest, discount, office, incidental and other expenses, \$4,673.47. Total expenditures, \$32,355.65. The resources for further operations were: Installments on stock called for and unpaid, \$47,964.08; installments subject to call 1857, \$32,775.00; installments subject to call, 1858, \$21,000.00; farm mortgaged on hand perfected, \$38,600; Burlington Bonds, \$35,000.00; Rochester bonds, \$15,000; Milwaukee city bonds, voted, \$34,000; first mortgage bonds of road, at \$10,000 per mile, \$315,000. Total resources, \$539,339.08. The cost of the road complete was estimated as follows: right of way, fencing, grubbing, grading, bridging and preparing road-bed for iron, \$252,000; ties, chairs, spikes, laying track and ballasting, \$55,125.00; iron, 60 lbs. per yard, \$220,500.00. Total estimated cost—\$527,625.00—or \$16,750.00 per mile. (Responsible parties offered to furnish everything above enumerated, and to do the work specified for less than \$16,000 per mile, payable monthly in cash). The additional expense for interest, exchange, discounts on securities, engineering, salaries of officers, depot grounds and buildings, locomotives, cars and incidentals, was estimated at \$200,000. All these estimates for construction were based on actual explorations and survey, and were alleged to cover every contingency.

MANITOWOC AND MISSISSIPPI RAILROAD.

The company was incorporated March 15, 1851, with authority to construct a railway from Manitowoc to La Crosse, about 180 miles. March 11, 1854, the legislature authorized the company to construct a branch from any point east of the 4th principal meridian to the Minnesota state line. The first board of directors was elected in October, 1853. The line was first located from Manitowoc to Menasha, and the estimated cost of this division in 1854, including 5 locomotives, 8 passenger cars, 3 baggage cars and 50 freight cars, was \$924,326, or \$22,008 per mile. The resources of the company at the same date were: individual subscriptions to stock, \$100,000; 7 per cent. bonds of Menasha, in exchange for stock, \$150,000; 7 per cent. bonds of Manitowoc, in exchange for stock, \$150,000; first mortgage bonds on the road at \$10,000 per mile, \$420,000, leaving a deficiency of about \$120,000, necessary to cover costs and all contingencies.

SUGAR VALLEY RAILROAD COMPANY.

Chartered in March, 1855. Company organized in March, 1856. In October, 1856, the grading and masonry on that portion of the line between the Milwaukee and Mississippi Railroad and Albany, a distance of $7\frac{1}{4}$ miles was placed under contract. In 1857 the charter was so changed as to make Madison the northern terminous and extending the road southward to the state line. A charter was also obtained from the Illinois legislature for a connecting road from Freeport in that state. By an act of the Wisconsin legislature, approved April 12, 1861, the land grant assigned by act of October 11, 1856, to the La Crosse and Milwaukee Company, for the construction of a railroad from Madison and from Columbus via Portage City to Bayfield, was declared forfeited, as far it referred to the portion of the road from Madison and Columbus to Portage City, and the charter to the Sugar Valley Union Railroad Company was extended to Portage City, and the lands belonging to that portion of the line were assigned to the Sugar Valley Union Company.

On the first day of January, 1868, the grade 21.65 miles was completed between Madison and Portage City, and the work was rapidly progressing on several sections. The right of way had been secured, for about 30 of the 36 miles, between Madison and Portage City, and depot grounds secured at Hartman, Poynette and Windsor. On that portion of the road between Madison and the state line, depot grounds had been secured at Brodhead and Albany, the right of way procured, and the grading and bridging completed between the two points last named (8 miles), making in the aggregate nearly 40 miles of right of way procured, and 30 miles of grade completed—the whole length of line being about 80 miles.

CHICAGO AND NORTHWESTERN RAILWAY.**ROCK RIVER VALLEY UNION RAILROAD COMPANY.**

The construction of this road from Fond du Lac via Janesville to the Illinois state line, a distance of 108 miles, was placed under contract April 30 and August 30, 1851, and work commenced at Fond du Lac in the summer of that year. The contractors, Bradley & Strong, agreed to build the road ready for the rail, including the laying of the rail, but not the price of the iron, from Fond du Lac to Janesville, 86 miles, for \$665,000, or about \$7,733 per mile; and from Janesville to the state line, about 22 miles, for \$306,000, or about \$13,900 per mile. For the road from Fond du Lac to Janesville the contractors were to be paid one-half in money, and the other either in money or the mortgage bonds of the company at 90 cents on the dollar, at the option of the company. For the road from Janesville to the state line, the contractors were to be paid one-half in money, one-quarter in stock at par, and one-quarter in money, or in bonds of the company at 90 cents on the dollar, at the option of the company. The whole expense of the right of way from Fond du Lac to Janesville was estimated at \$10,000, most of the land having been donated by the farmers along the line. Before the close of the year 1851, the president of the company alleged it had received subscriptions of stock to the amount of \$1,200,000, on which over \$300,000 had been paid in, and its issue of bonds was limited to \$1,209,000. The president of the road further declared that this aggregate of stock and bonds (\$3,400,000) "all that is needed to build the road."

Nov. 5, 1851, Edwin F. Johnson, Chief Engineer of the company, published a statement of the estimated cost of the road from Fond du Lac to the Illinois state line, 107.27 miles, as follows: Contract for single-track road bed, embracing everything necessary to render the road complete, ready for operation, excepting right of way, fencing, iron rails, chairs, spikes and buildings, \$971,000; 1,100 tons iron rails, at \$55.00, \$605,000; chairs and spikes, \$48,000; right of way and fencing, \$100,000; engineering, general expenses and interest account, \$100,000. Total cost, \$1,824,000—nearly \$17,000 per mile. Mr. Johnson added: "From the Illinois state line to Chicago, the distance is about 75 miles, and 12 miles further to the Indiana state line; making in all in the state of Illinois, 87 miles, nearly. The surveys upon this portion are yet incomplete. Enough, however, is known to justify the opinion, that this portion will not exceed in cost per mile the part in Wisconsin, and that the curves and gradients will be equally favorable. I feel confident that the entire cost of a single track railroad, with the requisite turn-out, from Fond du Lac to Chicago, 182 miles, laid with T rail, weighing from 54 to 60 pounds per lineal yard, will not exceed \$3,000,000 or \$3,200,000. This amount is exclusive of what may be required for station houses, depot buildings and equipments, or rolling stock. If the latter be included, the average cost may amount to \$20,000 per mile; or, for the entire line, from Fond du Lac to Chicago, \$3,600,000."

The company published its first annual report in September, 1853. The receipts from the commencement were given as follows: subscriptions to stock, paid in, including stock issued to contractors for work done, \$170,000; stock issued and to be issued by conversion of bonds for work done by contractors, \$200,000; stock subscribed by individuals for depots, etc., \$100,000; stock subscriptions of city of Janesville, \$150,000; amount of bonds disposed of, \$600,000, total receipts, \$1,220,000. The resources for future operations were given as follows: expected subscriptions—from Fond du Lac, \$100,000; Watertown, \$50,000; Jefferson, \$40,000; Koshkonong, \$40,000; individual stock subscriptions, \$350,000; bonds yet available, \$600,000; total, \$1,180,000. The work done was given as follows: lands, stations, machine shop, grading, masonry, bridging, cross-ties, iron laid and on hand ready for laying, rolling stock between Fond du Lac and Janesville, engineering and incidentals, \$1,004,648; ditto, between Janesville and state line, \$199,912; expenditures on Madison branch, \$45,000; total expenditures, \$1,249,560. The estimated cost of completing and putting in operation the entire line from Fond du Lac to the state line, was \$1,150,000: total cost of road, actual and estimated, fully equipped, \$2,400,000—about \$22,400 per mile, including all losses and contingent expenditures.

Mr. B. H. Edgerton examined the road in the spring of 1854, and estimated the total apparent expenditures of the company on the whole line at \$455,790 only.

June 2, 1859, the property and franchises of the Chicago, St. Paul and Fond du Lac Railroad Company, were sold at public auction at Janesville, Wisconsin, by the trustee of its mortgage, bearing date Aug. 1, 1855, for the sum of \$200,000; also, at the same time and place, by the trustees of its second mortgage, bearing date April 6, 1857, for the sum of \$40,000. [See Report of Illinois Commissioners for 1873—p. 229.]

GREEN BAY, MILWAUKEE AND CHICAGO RAILROAD.

The survey from Milwaukee to the Illinois State line was reported to the directors in July, 1852. Length of line from the present East Water street bridge, in Milwaukee, to the Illinois line, 88,791 miles. The estimated cost of the road, including T rail weighing not less than 60 lbs. per yard, right of way, grading, ballasting, bridging, superstructures, depots and grounds, equipments, engineering and office expenses, amounted to \$551,519.20 or \$14,217.71 per mile. On this basis, the cost of the road from Milwaukee to Chicago—85 miles—equipped with 9 locomotives, 18 passenger cars, 36 freight cars, 44 gravel cars, with necessary stations, depots and grounds, would be \$1,208,505.35. The cost of the proposed extension of the line from Milwaukee to Green Bay was estimated at \$15,000 per mile.

BELOIT AND MADISON RAILROAD.

At the close of the year ending December 31, 1853, the engineer made a report to the directors, in which he gave the length of the road at 47.65, and the cost, exclusive of equipment and interest during construction, at \$875,000.

He estimated the whole cost of the road, exclusive of equipment, at a sum not greater than \$950,000—or \$20,000 per mile. Seventeen miles of the road were then graded, a portion of the buildings had been erected or were in process of construction, and ties were provided sufficient for the whole distance graded, the sum of which items amounted to \$103,004.32. The estimated cost of putting in operation the 17 miles then graded, exclusive of furniture, was about \$160,000. The receipts up to December 31, 1853, had been: \$75,323.98 from stock; \$21,664.16 from sales of bonds, and \$16,000 from temporary loans. Seven per cent. bonds had been issued to the amount of \$475,000. The whole amount subscribed to the capital stock had been about 3,500 shares.

Jan. 2, 1854, a perpetual contract was made with the Chicago and Galena Union Railroad Company, by which the Beloit and Madison Company was to make its road equal in all respects to the Chicago and Galena road, with all necessary and proper appendages, buildings and fixtures, requisite to the full operation of the road, and to charge rates of fare and freight equal to the charges of Chicago and Galena Union Company, and the latter company agreed to pay the Madison and Beloit Company semi-annually ten per cent. upon the gross receipts from freight and passenger business passing to and from any point on the Beloit and Madison road six miles and upwards north of Beloit, and over the whole distance between Chicago and Belvidere, with a condition, that the rate of percentage might, if necessary, be increased to not exceeding 25 per cent. until the net earnings of the Beloit and Madison road should equal eight per cent. upon its actual cost. The Galena and Chicago Union road also leased the depot grounds and buildings in Beloit, lying between the state line and the bridge across Rock river, on terms not named in the report of the company for that year. It was a part of the agreement with the Chicago and Galena Union that the net receipts of the Beloit and Madison road should in no event be reckoned at less than fifty per cent. of the gross receipts of said road, and that the cost of said road, exclusive of equipment, should not be reckoned as exceeding \$960,000, or a greater sum in the aggregate, including equipment, than \$1,025,000 (about \$21,500 per mile.) At the time this contract was made the same person was President of both companies, and signed the contract in behalf of both the parties.

During the year 1854, iron was purchased for twenty miles of road, and laid on seventeen miles. The line from Beloit to Afton went into operation in August, 1854, and from Afton to Footville, seventeen miles from Beloit, at the close of the year. The whole amount expended for construction up to December 31, was \$349,522.31, as follows: Right of way, \$24,718.02; grading, \$70,095.02; bridging, \$11,437.91; superstructure, \$200,707.03; fencing, \$3,814.73; buildings, \$8,105.92; engineering, salaries and incidentals, \$16,784.19; car account, \$249.40; interest and discounts, \$13,610.09. The engineer placed the entire cost of the road from Beloit to Magnolia, twenty miles, nearly completed, at \$415,000, or \$20,750 per mile, and estimated the cost from Magnolia to Madison, 27.65 miles, at \$500,000, as follows: Already expended, \$7,466.69; right of way, \$15,000; grading and bridging, \$160,000; superstructure,

\$250,000; fencing, \$16,800; buildings, \$17,000; engineering and incidentals, \$13,733.31; interest and discounts, \$20,000. This estimate would make a total cost from Beloit to Madison, actual and estimated, \$915,000—or about \$19,200 per mile.

FACTS CONCERNING BRANCHES AND LEASED LINES.

THE WINONA AND ST. PETER RAILROAD.—The Winona and St. Peter Railroad, included among the roads leased and operated by the Chicago and Northwestern company, was chartered by the Minnesota Legislature March 3, 1855, under the name of "Transit Railroad Company." It runs from Winona northwesterly to Minnesota state line, and thence to Lake Kampeska, in the territory of Dakota. Work first commenced on the line in 1858, and a portion of the line was first opened for traffic in 1868. The entire line was not completed until August, 1873. The total length of road in Minnesota is 288 miles; in Dakota, 38½ miles. Total length of road, 326½ miles, exclusive of about 18 miles of siding and other tracks. In 1873 the company owned 27 passenger and freight stations, 23 water stations, 18 spans of bridges of 25 feet and upwards, 1,530 feet of truss bridges, 1 machine shop and 6 engine houses. Its rolling stock embraced 81 locomotives of the average weight of 28 tons, 3 snow plows, 7 passenger cars, 4 mail and baggage cars, 1,000 freight cars, and 132 platform cars. This road, thus equipped, is made to bear a bonded debt of nine million dollars, or about \$27,000 per mile in addition to the capital stock. The total cost of the road, represented by capital stock, bonds and unfunded debt, as reported by the railroad commissioners for Minnesota Aug. 31, 1873, was \$10,604,878.74, or an average of about \$32,000 per mile. The total net income of the road for the year ending at the date given, was but \$142,407.10. The cost of the road given is in addition to a land grant estimated at 1,500,000 acres, much of which has been sold at an average rate of \$6.47 per acre. As to the manner in which a considerable portion of the bonds belonging to this road, were disposed of, we call attention to the copy of an agreement with Danford N. Barney, and others, (Appendix 118.)

The late railroad commissioner of Minnesota, in his report for the year ending Aug. 31, 1873, estimates the average actual cost of this road with equipments as follows: (See Minnesota Report—p. lxix.)

WINONA, MANKATO & NEW ULM RAILROAD.—This company was organized under the general laws of the state of Minnesota, June 1, 1870, and work commenced on the line in July of the same year. It extends from Mankato Junction to Mankato—a distance of 3¾ miles—and is operated by the Winona and St. Peter Company, and with the same rolling stock. The capital stock and debt of the company in August, 1873, was \$48,688.19 per mile. The gross earnings for the year ending at the same date were reported at \$1,275.65 per mile, and its operating expenses at \$2,549.61 per mile—a loss of \$1,273.96 for each mile operated, besides interest on stock and debt.

CHICAGO & NORTHWESTERN RAILWAY COMPANY.—The number of miles embraced in the system owned and controlled by the Chicago & Northwestern Company, on the 31st day of May, 1874, was 1,989.88. Of this total road, the Chicago & Northwestern proper included 1,498.70 miles. The remaining 491.18 miles controlled by the company were classed as "proprietary roads," and embraced the Iowa Midland Railway, 68.80 miles; the La Crosse, Trempealeau & Prescott Railroad, 29 miles; the Winona & St. Peter Railroad (with Mankato branch), 330.75 miles, and the Northwestern Union Railway, 62.63 miles. The earnings and expenses of these "proprietary roads" are not included in the reports of earnings and expenses of the Chicago & Northwestern Company proper. Territorially, the whole road owned and controlled by the company is divided as follows: In Wisconsin, 565.68 miles; in Illinois, 489.00 miles; in Iowa, 433.90 miles; in Michigan, 170.55 miles; in Minnesota, 292.25 miles, and in Dakota, 38.50 miles. The average length of entire road operated during the year ending May 31, 1874, was 1,952.05 miles, of which the Chicago & Northwestern proper operated 1,489.10 miles, and the proprietary companies 462.95 miles. The gross earnings of entire line for the same year was \$15,631,936.61, and the charges for operating expenses, taxes, rent of leased roads, interest on bonds and sinking fund account, amounted to \$14,276,855.26—leaving a net profit of \$1,355,081.35.

The aggregate earnings of the year were derived as follows: From the Chicago and Northwestern lines proper, \$14,351,523.33; Iowa Midland, \$98,023.38; Northwestern Union, \$165,049.07; La Crosse, Trempealeau, and Prescott, \$222,520.48; Winona and St. Peter, and Mankato branch, \$794,820.35. The gross earnings of the Chicago and Northwestern proper were derived from the following sources: Passengers, \$3,426,824.35; freight, \$10,270,518.95; express, \$264,583.32; mail, \$266,568.08; miscellaneous, \$123,028.63. The gross charges upon the Chicago and Northwestern proper, for the year, were as follows: For operating expenses, \$8,883,720.03; taxes, \$387,054.88; losses, Chicago fire, 1871, \$5,074.75, making a total of \$9,275,849.66, or 64.21 per cent. of gross earnings, and leaving a balance of \$5,075,673.67. This balance, to the amount of \$3,163,920.69 was expended as follows: Interest on bonds, \$1,869,747.36; interest, exchange and gold premiums, \$201,939.18; rentals of Iowa roads, \$1,049,649.31; sinking funds, \$42,120; dividends in adjustment of old Galena and Chicago Union stock, \$464.84. A further sum was paid to the proprietary roads for expenses, interest, etc., during the year, amounting to \$556,671.63, leaving a net profit to the company on all accounts, as before stated, for the year, of \$1,355,081.35. Adding to this the balance of income account of the combined roads May 31, 1873, of \$764,264.91, and the surplus of income account May 31, 1874, amounted to \$2,119,346.26. All the net earnings were applied towards the payment of constructive indebtedness, mostly incurred before the panic, and "to finish up and utilize the works then nearly completed." The capital of the Chicago and Northwestern, on the 31st of May, 1874, consisted of \$14,993,060.40, in common stock, and \$21,484,113.42 in preferred stock, making a total of \$36,477,173.82. The bonded debt of the Chicago and Northwestern company proper at the same

date consisted of \$14,698,500 in bonds bearing currency interest, and \$14,845,000 in gold bonds, making a total of \$29,538,500. The bonded debt of the proprietary roads at the same date consisted of \$6,750,000 in bonds bearing currency interest, and \$7,875,000 in gold bonds, making a total of \$14,625,000, and an aggregate of bonded debt for all the lines owned and operated, of \$43,658,500. The total expenditures for the year, on all lines, for construction and equipment, amounted to the sum of \$4,985,668.81, of which sum \$1,065,278.92 was on account of the proprietary roads. The earnings from passengers during the year were apportioned as follows: First class, \$2,786,237.35; second class, \$311,513.70; excursion, \$61,124.25; commutation, \$267,949.05. The average earnings per passenger per mile were 3.16 cents, as against 3.14 cents the previous year. The average earnings on freight per ton per mile were 2.35 cents, as against 2.22 cents the preceding year.

CHICAGO AND NORTHWESTERN BONDED DEBT.

June 1, 1871, the Chicago and Northwestern Railway issued its bonds, called the Menomonee Extension First Mortgage Sinking Fund Gold Bonds, for the purpose of constructing and equipping that portion of the road from Fort Howard to a point at or near the mouth of the Menomonee River, and so much of the connection therewith in the state of Michigan as lies between the north line of the state of Wisconsin and the line of railroad of the Chicago and Northwestern Railway Company in Michigan, known as the Peninsula division. The amount of these bonds was \$2,700,000; the interest was 7 per cent. in gold, payable semi-annually; and the principal was made payable in gold, on the first day of June, 1911, and payment was secured by a trust deed on the portion of the road named, about 120 miles. The bonded debt thus created was at the rate of \$22,500 per mile on this portion of the road, gold.

April 1, 1871, the Chicago and Northwestern Railway Co. issued its bonds, called the Chicago and Northwestern Railway Company's "Madison Extension First Mortgage Sinking Fund Gold Bonds," for the purpose of constructing that portion of the road extending from Madison to the junction with the La Crosse, Trempealeau and Prescott road, a distance of about 126 miles. The sum of these bonds was \$3,150,000, or \$25,000 per mile, with interest at 7 per cent., payable semi-annually, the principal due in 1911, and both principal and interest being payable in gold, with security by trust deed, on the entire railroad and fixtures.

March 10, 1862, the Winona and St. Peter Railroad Company was incorporated, and subsequently issued its bonds for which bonds were guaranteed in 1870 by the Chicago and Northwestern Company.

The La Crosse, Trempealeau and Prescott Railroad Co. was organized under act of March 6, 1857, and afterwards issued bonds, which the Chicago and Northwestern Co. subsequently guaranteed by virtue of act of March 10, 1871.

An aggregate amount of bonded debt of the Chicago and Northwestern

Railway in 1873, was \$18,749,500, secured on the following lines of railroad owned by the consolidated Chicago and Northwestern Railway Company:

From Chicago, Ill., to Negaunee, Michigan.

From Chicago, Ill., to the east bank of the Mississippi river, opposite Clinton, Iowa.

From Turner Junction to Freeport, Ill.

From Kenosha, Wis., to Rockford, Ill.

From Belvidere, Ill., to a junction with the La Crosse, Trempealeau and Prescott Railroad in Wisconsin.

From Elgin, Ill., to Geneva Lake, Wis., including the Elgin and State Line, and the State Line and Union Railroads.

A description of the bonds secured on the above lines of road is contained in the following table:

CHICAGO AND NORTHWESTERN RAILWAY—Funded Debt of Lines owned by the Company.

Secured upon	Class of Bonds.	Date of Issue.	Amount.	Interest.	Payable
Chicago and Northwestern....	Preferred Sinking Fund....	July 1, 1859	\$1,245,500	.....	1865
Chicago and Northwestern....	Funded Coupons	Aug. 1, 1861	755,000	.....	1888
Chicago and Northwestern....	General First Mortgage.....	July 1, 1859	3,588,000	.....	1885
Chicago and Northwestern....	Appleton Extension.....	Nov. 1, 1860	148,000	.....	1885
Chicago and Northwestern....	Green Bay Extension	April 1, 1860	289,000	.....	1885
Chicago and Northwestern....	Seven per cent. Enrollment	Jan. 1, 1863	101,000	.....	1874
Galena and Chicago Union....	First	June 1, 1853	1,785,000	.....	1882
Galena and Chicago Union....	Secor	May 1, 1855	948,000	.....	1875
Galena and Chicago Union....	Missi	Jan. 1, 1864	200,000	.....	1884
Galena and Chicago Union....	For purchase of Elgin and State Line Road.	Nov. 2, 1863	135,000	.....	1878
Penninsula Railroad Company..	First Mortgage	May 5, 1864	695,000	.....	1896
Beloit and Madison.....	First Mortgage.....	Jan. 1, 1868	824,000	.....	1888
Chicago and Northwestern.	Consolidated Sinking Fund	Jan. 16, 1865	2,686,000	.....	1915
Madison Extension	First Mortgage S. F. Gold.....	April 1, 1871	8,150,000	7 per ct.	1911
Menomonee Extension	First Mortgage S. F. Gold.....	June 1, 1871	2,700,000	7 per ct.	1911
			\$18,749,500		25,000 23,500

November 30, 1872, the Chicago and Northwestern Railway Company voted to issue bonds to the amount of \$48,000,000, for the purpose of consolidating the various outstanding debts for which said company was liable, and for "equipping and completing" the various lines of road described in the trust deed given for the security of the debt. These bonds become due December 1, 1902, bear semi-annual interest at the rate of 7 per cent. per annum, and both principal and interest are payable in gold. The lines upon which the trust deeds were given include all the lines owned by the corporation (as described on the second page preceding the last page 1, and also the Chicago, Iowa and Nebraska, and the Cedar Rapids and Missouri River Railroads, extending from the east bank of the Mississippi river, opposite Clinton, to Council Bluffs, including the bridge across the Mississippi river at Clinton, with the branch railroad from Clinton to Lyons, Iowa, and which are leased to the Chicago and Northwestern Railway in perpetuity. Of the whole amount of these bonds, \$8,955,000 were issued for the general purposes specified, \$18,749,500 were reserved to be issued in place of a like amount of any issue of said bonds which constituted at that date all of the outstanding debt of the company and the companies embraced in the consolidation; \$16,599,000 were reserved to provide in like manner for the retirement of the bonds of other companies for which the Chicago and Northwestern Company is liable. The residue, \$12,651,000, is claimed to have been expended, for the most part, for the construction and equipment of the roads of the company in Wisconsin.

In addition to the roads mentioned in the last paragraph as leased to the Chicago and Northwestern Railway Company, that company owns all, or the greater part, of the stock of the following roads, which roads are leased to said company in perpetuity, and are operated and controlled by that company by virtue of its interest therein:

CHICAGO AND MILWAUKEE RAILROAD—From Chicago, Ill., to Milwaukee, Wis.

LA CROSSE, TREMPLEAU AND PRESCOTT RAILROAD—From a point near La Crosse, to a point on the Mississippi river opposite Winona, Minnesota.

WINONA AND ST. PETER RAILROAD—From Winona to Big Sioux River, including the Winona and St. Peter road in Dakota, the bridge across the Mississippi River at Winona, and the branch to Mankato, known as the Winona, Mankato and New Ulm Railroad.

IOWA MIDLAND RAILWAY—From near Clinton, Iowa, to Anamosa.

NORTHWESTERN UNION RAILWAY—From Milwaukee, Wis., to Fond du Lac, Wis.

ST. CHARLES RAILROAD—From St. Charles, Ill., to Batavia Ill., and branch from Stanwood to Tipton, Iowa, known as "the Stanwood and Tipton Railroad."

Upon these roads the bonded debt assumed by the Chicago and Northwestern Company is as shown in the annexed table.

CHICAGO AND NORTHWESTERN RAILROAD—Funded Debt of Leased Roads Assumed by the Company.

Name of Road.	Class of Bonds.	Amount.	Interest.	Date.	Payable
Milwaukee and Chicago	First Mortgage	\$397,000	.....	May 1, 1854	1874
Milwaukee and Chicago	Second Mortgage	182,000	.....	Feb. 1, 1854	1874
Milwaukee and Chicago	Third Mortgage ..	1,185,000	.....	Aug. 1, 1868	1898
La Crosse, Trempealeau and Prescott.	First Mortgage	1,000,000	.....	Apr. 1, 1868	1878
Winona and St. Peter	First Mortgage	2,750,000	.....	Jan. 1, 1867	1887
Winona and St. Peter	Second Mortgage	1,650,000	.....	Nov. 1, 1867	1907
Winona and St. Peter	First Mortgage, Sinking Fund, Gold	4,375,000	.....	Dec. 1, 1871	1916
Winona and St. Peter	Same as above (to complete road in Dakota)	250,000	.....	Dec. 1, 1871	1916
Iowa Midland	First Mortgage	1,350,000	Av. rate	Oct. 1, 1870	1900
Northwestern Union	First Mortgage, Sinking Fund, Gold	3,500,000	per mile	June 1, 1872	1917
Total amount of bonded debt assumed.	.....	\$16,589,000			

The following is a recapitulation of the bonded debt of the company:

Secured on 6 lines owned by the company.....	\$18,749,500
On leased lines, assumed.....	16,589,000

Total.....	<u>\$35,338,500</u>
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Bonds of Nov. 30, 1872, secured on road owned, and part of leased lines.....	<u>\$48,000,000</u>
---------------------------------------------------------------------------------	---------------------

MILWAUKEE AND MISSISSIPPI RAILROAD, ALSO MILWAUKEE AND PRAIRIE DU CHIEN RAILWAY.—Statement of Stock and Debt—from Reports of the Company.

Year.	Miles in operation.	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsettled Debt.	
1858.....	234 1/2	\$3,386,693 08	\$2,850,000 00	\$900,000 00	\$149,000 00	\$910,852 00	\$4,809,852 84
1859.....	284 1/2	3,696,812 86	2,848,000 00	900,000 00	385,750 00	809,955 57	4,798,705 57
1860.....	284 1/2	3,688,506 25	2,830,000 00	900,000 00	748,259 80	654,260 73	4,932,520 53
1861.....	284 1/2	7,500,000 00	2,526,000 00	.....	.....	58,549 82	2,584,549 82
1862.....	284 1/2	7,500,000 00	2,454,000 00	.....	.....	81,841 71	2,535,841 71
1863.....	285 1/2	7,500,000 00	2,410,000 00	.....	.....	87,162 95	2,497,162 95
1864.....	285 1/2	7,726,273 00	966,000 00	.....	.....	291,811 98	1,293,739 48
1865.....	285 1/2	7,726,200 00	402,000 00	.....	.....	218,799 92	620,799 92
1866.....	285 1/2	9,882,596 00	390,500 00	.....	.....	222,012 58	803,412 58
1867.....	285 1/2	8,119,031 00	390,500 00	.....	.....	182,285 44	941,276 75

sales and Prairie du
in Milwaukee city
contracts for construc-
mortgage on Southern
farm mortgages.

* This item include
issued during 1
under the lease contract with said company; also \$28,500 of 1st prefer-
red stock exchanged for coupons to bonds of said company.
* Coupons due.
* Coupon mortgage.
* Unpaid coupons.
* Unpaid sinking fund

stock; \$1,260,500 common stock
Milwaukee and Prairie du Chien Railway Company bonds and stock.

MILWAUKEE AND MISSISSIPPI RAILROAD, ALSO MILWAUKEE AND PRAIRIE DU CHIEN RAILWAY—Statement of Cost—
from the Reports of the Company.

Year.	COST OF ROAD.							Dividends.	Passengers per Mile.	
	Right of Way.	Bridge-ing.	Grading.	Iron, ties and laying.	Buildings.	Other Purposes.	Cost of Road.		Cost per Mile.	Per Mile.
1858	\$220,642 65	9426,419 10	\$1,468,856 88	\$2,168,548 79	\$288,631 49	\$38,541,042 57	\$8,114,126 48	.....	2.03	3.40
1859	232,185 04	426,419 10	1,468,856 88	2,168,548 79	288,631 49	8,541,212 92	8,125,839 17	.....	2.54	3.84
1860	238,054 64	426,419 10	1,468,856 88	2,168,548 79	288,631 49	8,550,178 49	8,135,674 34	.....	.....	.....
1861	.....	.....	.....	.....	.....	.....	7,500,000 00	.....	2.80	2.80
1862	.....	.....	.....	.....	.....	.....	7,500,000 00	\$156,284	2.65	3.23
1863	.....	.....	.....	.....	.....	.....	7,500,000 00	\$155,060	2.72	3.43
1864	.....	.....	.....	.....	.....	.....	7,728,273 00	\$249,650	3.36	3.78
1865	.....	.....	.....	.....	.....	.....	7,728,200 00	\$286,068	3.51	3.90
1866	.....	.....	.....	.....	.....	.....	7,728,200 00	\$246,380	3.27	3.80
1867	.....	.....	.....	.....	.....	.....	7,696,261 00	.....	\$ 3.63	.....

17th
27th

engineering
\$68,100.18;
account on
; losses in
expenses of
Wisconsin

* Expended on
Wisconsin
both lines.

4 By purchase
with convertible bonds attached, \$2,556,000; full paid first preferred
stock, \$1,000,000; second preferred stock, \$1,000,000; common stock,
\$2,761,800.

* Cash.
* Average.

* 75; on Southern
; equipment for

ered scrip stock
full paid first preferred

LA CROSSE AND MILWAUKEE RAILROAD—Statement of Stock and Debt—from the Reports of the Company.

STOCK AND DEBT.

		2d Mortgage.	Unsettled Debt.	Amount of Debt.
1858 ¹	200			
1859 ²	200			
1860 ³	200			
1861 ⁴	200	4,901,500 00		
1862 ⁵	200			
1863 ⁶	200			
1864 ⁷	200			
1865 ⁸	200			
1866 ⁹	200			
1867 ¹⁰	200			
1868 ¹¹	200			
1869 ¹²	200			
1870 ¹³	200			
1871 ¹⁴	200			
1872 ¹⁵	200			
1873 ¹⁶	200			
1874 ¹⁷	200			
1875 ¹⁸	200			
1876 ¹⁹	200			
1877 ²⁰	200			
1878 ²¹	200			
1879 ²²	200			
1880 ²³	200			
1881 ²⁴	200			
1882 ²⁵	200			
1883 ²⁶	200			
1884 ²⁷	200			
1885 ²⁸	200			
1886 ²⁹	200			
1887 ³⁰	200			
1888 ³¹	200			
1889 ³²	200			
1890 ³³	200			
1891 ³⁴	200			
1892 ³⁵	200			
1893 ³⁶	200			
1894 ³⁷	200			
1895 ³⁸	200			
1896 ³⁹	200			
1897 ⁴⁰	200			
1898 ⁴¹	200			
1899 ⁴²	200			
1900 ⁴³	200			
1901 ⁴⁴	200			
1902 ⁴⁵	200			
1903 ⁴⁶	200			
1904 ⁴⁷	200			
1905 ⁴⁸	200			
1906 ⁴⁹	200			
1907 ⁵⁰	200			
1908 ⁵¹	200			
1909 ⁵²	200			
1910 ⁵³	200			
1911 ⁵⁴	200			
1912 ⁵⁵	200			
1913 ⁵⁶	200			
1914 ⁵⁷	200			
1915 ⁵⁸	200			
1916 ⁵⁹	200			
1917 ⁶⁰	200			
1918 ⁶¹	200			
1919 ⁶²	200			
1920 ⁶³	200			
1921 ⁶⁴	200			
1922 ⁶⁵	200			
1923 ⁶⁶	200			
1924 ⁶⁷	200			
1925 ⁶⁸	200			
1926 ⁶⁹	200			
1927 ⁷⁰	200			
1928 ⁷¹	200			
1929 ⁷²	200			
1930 ⁷³	200			
1931 ⁷⁴	200			
1932 ⁷⁵	200			
1933 ⁷⁶	200			
1934 ⁷⁷	200			
1935 ⁷⁸	200			
1936 ⁷⁹	200			
1937 ⁸⁰	200			
1938 ⁸¹	200			
1939 ⁸²	200			
1940 ⁸³	200			
1941 ⁸⁴	200			
1942 ⁸⁵	200			
1943 ⁸⁶	200			
1944 ⁸⁷	200			
1945 ⁸⁸	200			
1946 ⁸⁹	200			
1947 ⁹⁰	200			
1948 ⁹¹	200			
1949 ⁹²	200			
1950 ⁹³	200			
1951 ⁹⁴	200			
1952 ⁹⁵	200			
1953 ⁹⁶	200			
1954 ⁹⁷	200			
1955 ⁹⁸	200			
1956 ⁹⁹	200			
1957 ¹⁰⁰	200			
1958 ¹⁰¹	200			
1959 ¹⁰²	200			
1960 ¹⁰³	200			
1961 ¹⁰⁴	200			
1962 ¹⁰⁵	200			
1963 ¹⁰⁶	200			
1964 ¹⁰⁷	200			
1965 ¹⁰⁸	200			
1966 ¹⁰⁹	200			
1967 ¹¹⁰	200			
1968 ¹¹¹	200			
1969 ¹¹²	200			
1970 ¹¹³	200			
1971 ¹¹⁴	200			
1972 ¹¹⁵	200			
1973 ¹¹⁶	200			
1974 ¹¹⁷	200			
1975 ¹¹⁸	200			
1976 ¹¹⁹	200			
1977 ¹²⁰	200			
1978 ¹²¹	200			
1979 ¹²²	200			
1980 ¹²³	200			
1981 ¹²⁴	200			
1982 ¹²⁵	200			
1983 ¹²⁶	200			
1984 ¹²⁷	200			
1985 ¹²⁸	200			
1986 ¹²⁹	200			
1987 ¹³⁰	200			
1988 ¹³¹	200			
1989 ¹³²	200			
1990 ¹³³	200			
1991 ¹³⁴	200			
1992 ¹³⁵	200			
1993 ¹³⁶	200			
1994 ¹³⁷	200			
1995 ¹³⁸	200			
1996 ¹³⁹	200			
1997 ¹⁴⁰	200			
1998 ¹⁴¹	200			
1999 ¹⁴²	200			
2000 ¹⁴³	200			
2001 ¹⁴⁴	200			
2002 ¹⁴⁵	200			
2003 ¹⁴⁶	200			
2004 ¹⁴⁷	200			
2005 ¹⁴⁸	200			
2006 ¹⁴⁹	200			
2007 ¹⁵⁰	200			
2008 ¹⁵¹	200			
2009 ¹⁵²	200			
2010 ¹⁵³	200			
2011 ¹⁵⁴	200			
2012 ¹⁵⁵	200			
2013 ¹⁵⁶	200			
2014 ¹⁵⁷	200			
2015 ¹⁵⁸	200			
2016 ¹⁵⁹	200			
2017 ¹⁶⁰	200			
2018 ¹⁶¹	200			
2019 ¹⁶²	200			
2020 ¹⁶³	200			
2021 ¹⁶⁴	200			
2022 ¹⁶⁵	200			
2023 ¹⁶⁶	200			
2024 ¹⁶⁷	200			
2025 ¹⁶⁸	200			
2026 ¹⁶⁹	200			
2027 ¹⁷⁰	200			
2028 ¹⁷¹	200			
2029 ¹⁷²	200			
2030 ¹⁷³	200			
2031 ¹⁷⁴	200			
2032 ¹⁷⁵	200			
2033 ¹⁷⁶	200			
2034 ¹⁷⁷	200			
2035 ¹⁷⁸	200			
2036 ¹⁷⁹	200			
2037 ¹⁸⁰	200			
2038 ¹⁸¹	200			
2039 ¹⁸²	200			
2040 ¹⁸³	200			
2041 ¹⁸⁴	200			
2042 ¹⁸⁵	200			
2043 ¹⁸⁶	200			
2044 ¹⁸⁷	200			
2045 ¹⁸⁸	200			
2046 ¹⁸⁹	200			
2047 ¹⁹⁰	200			
2048 ¹⁹¹	200			
2049 ¹⁹²	200			
2050 ¹⁹³	200			
2051 ¹⁹⁴	200			
2052 ¹⁹⁵	200			
2053 ¹⁹⁶	200			
2054 ¹⁹⁷	200			
2055 ¹⁹⁸	200			
2056 ¹⁹⁹	200			
2057 ²⁰⁰	200			
2058 ²⁰¹	200			
2059 ²⁰²	200			
2060 ²⁰³	200			
2061 ²⁰⁴	200			
2062 ²⁰⁵	200			
2063 ²⁰⁶	200			
2064 ²⁰⁷	200			
2065 ²⁰⁸	200			
2066 ²⁰⁹	200			
2067 ²¹⁰	200			
2068 ²¹¹	200			
2069 ²¹²	200			
2070 ²¹³	200			
2071 ²¹⁴	200			
2072 ²¹⁵	200			
2073 ²¹⁶	200			
2074 ²¹⁷	200			
2075 ²¹⁸	200			
2076 ²¹⁹	200			
2077 ²²⁰	200			
2078 ²²¹	200			
2079 ²²²	200			
2080 ²²³	200			
2081 ²²⁴	200			
2082 ²²⁵	200			
2083 ²²⁶	200			
2084 ²²⁷	200			
2085 ²²⁸	200			
2086 ²²⁹	200			
2087 ²³⁰	200			
2088 ²³¹	200			
2089 ²³²	200			
2090 ²³³	200			
2091 ²³⁴	200			
2092 ²³⁵	200			
2093 ²³⁶	200			
2094 ²³⁷	200			
2095 ²³⁸	200			
2096 ²³⁹	200			
2097 ²⁴⁰	200			
2098 ²⁴¹	200			
2099 ²⁴²	200			
2100 ²⁴³	200			
2101 ²⁴⁴	200			
2102 ²⁴⁵	200			
2103 ²⁴⁶	200			
2104 ²⁴⁷	200			
2105 ²⁴⁸	200			
2106 ²⁴⁹	200			
2107 ²⁵⁰	200			
2108 ²⁵¹	200			
2109 ²⁵²	200			
2110 ²⁵³	200			
2111 ²⁵⁴	200			
2112 ²⁵⁵	200			
2113 ²⁵⁶	200			
2114 ²⁵⁷	200			
2115 ²⁵⁸	200			
2116 ²⁵⁹	200			
2117 ²⁶⁰	200			
2118 ²⁶¹	200			
2119 ²⁶²	200			
2120 ²⁶³	200			
2121 ²⁶⁴	200			
2122 ²⁶⁵	200			
2123 ²⁶⁶	200			
2124 ²⁶⁷	200			
2125 ²⁶⁸	200			
2126 ²⁶⁹	200			
2127 ²⁷⁰	200			
2128 ²⁷¹	200			
2129 ²⁷²	200			
2130 ²⁷³	200			
2131 ²⁷⁴	200			
2132 ²⁷⁵	200			
2133 ²⁷⁶	200			
2134 ²⁷⁷	200			
2135 ²⁷⁸	200			
2136 ²⁷⁹	200			
2137 ²⁸⁰	200			
2138 ²⁸¹	200			
2139 ²⁸²	200			
2140 ²⁸³	200			
2141 ²⁸⁴	200			
2142 ²⁸⁵	200			

LA CROSSE AND MILWAUKEE RAILROAD—Statement of Cost—from the Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.	Passenger per Mile.	
	Right of Way.	Bridg- ing.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Per Mile.	Per Car.
1858	\$97,695 05								24	34
1859	1		\$3,561,445 76	\$1,661,663 34	\$102,994 57	\$14,083,424 63	\$19,507,222 33		24	34
1860	1									
1861										
1862	4									
1863										
1864										
1865										
1866										

1 No report of cost.
2 Including bridging.

3 Unknown.
4 No further report.

5 Not known.
6 No record.

MILWAUKEE AND MONROE RAILWAY—Statement of Stock and Debt—From the Reports of the Company.

STOCK AND DEBT.							
YEARS.	Length in Miles.	Stock Paid.	1st Mortgage.	2d Mortgage.	Mortgage.	Unsecured Debt.	Amount of Debt.
1858	42	¹ \$1,338,452 86	\$413,000 00	\$5,000 00	\$ ² 727,900 00	\$211,974 62	\$1,357,874 62
1859	42	1,335,368 00	413,000 00	5,000 00	² 459,900 00	209,711 68	1,355,611 68
1860 . . . . .	.....	.....	.....	.....	.....	.....	.....
1861	³ 42	.....	.....	.....	.....	.....	.....
1862	⁴ 42	.....	.....	.....	.....	.....	.....

¹ Paid partly as follows: Farm mortgages, \$372,900; Milwaukee City, \$166,000; town of Berlin, \$100,000; town of Ceresco, \$50,000; in land, \$491,175.
² Including Milwaukee City Bonds, \$166,000; farm mortgage bonds, \$244,900; in land bonds, \$49,000.
³ Unknown.
⁴ No other items reported.
⁵ Unknown.

MILWAUKEE AND MONROE RAILWAY—Statement of Cost—from the Reports of the Company.

Years	COST OF ROAD.							Dividend.	PASSENGER PER MILE.		
	Right of Way.	Bridg- ing.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Cost per Mile.	Treos.	Way.
1858	\$9,625 85	.....	1 \$368,589 08	\$316,587 77	\$17,471 13	\$642,228 89	\$1,354,502 72	\$32,250	....	81½	4
1859	9,625 85	.....	368,589 08	316,587 77	17,471 13	669,117 13	1,381,390 95	32,890	....	81½	4
1860	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1861	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1862	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

¹ Including bridging.

² Unknown.

FOX LAKE RAILROAD¹—Statement of Stock and Debt—From Reports of the Company.

YEAR.	STOCK AND DEBT.					Amount of Debt.
	Aug. 1861	Stock Paid.	1st Mortgage.	2nd Mortgage.	3rd Mortgage.	
1859.....	2-11 ¹ / ₂	\$9,828 85	.....	.....	.....	\$8,492 07
1860.....	2-11 ¹ / ₂	15,000 00	.....	.....	.....	.....
1861.....	2-11 ¹ / ₂	15,000 00	.....	.....	.....	.....
1862.....	2-11 ¹ / ₂	15,000 00	.....	.....	.....	.....
1863.....	2-11 ¹ / ₂	15,000 00	.....	.....	.....	.....

¹ Opened for business September 1, 1859. The road runs from the village of Fox Lake to the line of the Chicago, Milwaukee and St. Paul road, and is operated by horse-power.

MILWAUKEE, WATERTOWN AND BARABOO VALLEY RAILROAD,¹ ALSO MILWAUKEE AND WESTERN RAILROAD—
Statement of Stock and Debt—from the Reports of the Company.

Years.	M i l w a u k e e	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1858 ²	50	\$148,800 00	\$310,000 00	\$200,000 00	\$118,000 00	\$798,767 67	\$1,426,767 67
1859.....	76	183,442 56	\$310,000 00	200,000 00	118,000 00	7870,936 35	1,493,936 35
1860.....	76	183,442 56	\$310,000 00	200,000 00	118,000 00	195,337 59	1,608,837 59
1861.....	76	272,442 56	\$310,000 00	200,000 00	118,000 00	\$233,365 81	1,822,365 81
1862.....	76	577,052 56	900,000 00	.....	\$12,000 00	62,809 36	974,500 34
1863.....	76	.....	.....	.....	.....	.....	.....

¹ Mil. W. & B. V. R. R. became Milwaukee and Western Railroad in 1861.

² Last ten months of the year.

³ Including \$86,500 in farm mortgages.

⁴ Mortgage to the city of Milwaukee to secure loan of credit.

⁵ Also sinking fund mortgage, \$400,000; sinking fund, \$61,000; sinking fund mortgage bonds, \$100,000; farm mortgage bonds, \$86,500.

⁶ Sold at public sale to Milwaukee and St. Paul Railway Company, June, 1863.

⁷ Farm mortgages.

MILWAUKEE, WATERTOWN AND BARABOO VALLEY RAILROAD, ALSO MILWAUKEE AND WESTERN RAILROAD —
Statement of Cost—from the Reports of the Company.

YEARS.	COST OF ROAD.							Dividends.	Passenger Per mile.		
	Right of Way.	Bridging.	Grading.	Iron.	Building.	Other Purposes.	Cost of Road.		Cost Per Mile.	Th'r o' h.	Way.
1858....	\$38,537 50	\$3,141 87	\$83,016 72	\$33,193 76	\$450. 00	¹ \$1,202,238 55	\$1,330,478 40	\$26,609 00	3½	3½	
1859....	8,434 40	2,714 06	152,542 16	33,167 25	.....	1,290,643 87	1,487,501 74	19,572 00	3½	3½
1860....	13,587 30	2,860 18	159,903 09	33,167 25	2,574 99	1,308,340 70	1,520,447 75	20,005 88	.....	.....
1861....	18,352 09	2,869 18	160,715 77	33,167 25	2,574 99	1,223,163 66	1,440,842 64	18,958 46	.....	.....
1862....	23,592 69	2,869 18	162,470 87	33,167 25	2,576 99	84,909 46	² 16,547 44	217 73	.....	.....
1863....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

¹ Including \$684,000 for purchase of Watertown division, and \$460,000 for purchase of Watertown and Madison division, including iron to Mauston. ² Farm mortgage, \$12,000.

RACINE AND MISSISSIPPI RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	A 1899 1900 1901 1902 1903 1904 1905	STOCK AND DEBT.					Unsecured Debt.	Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.			
1898.....	190	\$3,233,907 55	\$1,174,833 84	\$2,240 00	.....	\$375,293 29	\$3,052,365 63
1899.....	68%	.....	.....	.....	.....	.....	1,006,731 11
1900.....	68%	.....	835,836 67	.....	.....	.....	1,042,921 91
1901.....	68%	.....	919,736 67	.....	.....	211,071 66	1,130,858 33
1902.....	142 1/4	.....	974,136 67	.....	.....	106,071 66	1,170,258 33
1903.....	.....	.....	.....	.....	.....	.....	.....
1904.....	144	.....	\$690,000 00	.....	.....	.....	807,608 73
1905.....	144	.....	\$1,137,836 67	.....	.....	.....	1,279,720 06

^a In Wisconsin, in addition to 24 1/4 miles in Illinois.

^b Foreclosed.

^c Arrears of interest on same \$408,933. 87.

^d Includes arrears of interest on same.

^e No report found.

^f of the whole of the
with its portion of com.

or, May 10, 1899. Sur-
tates District Court of
ar is from May 10th to

RACINE AND MISSISSIPPI RAILROAD—Statement of Cost—from Reports of the Company.

Year.	COST OF ROAD.						Passenger per Mile.	
	Right of Way.	Building. Grading.	Iron.	Buildings.	Other purposes.	Cost of Road.	Cost per Mile.	Dividend.
1853...	\$138,765 83	\$609,153 26	\$72,088 61	\$8,122,804 81	\$18,929,263 00	\$57,130
1859...
1860...
1861...
1862...
1863...
1864...
1865...

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WESTERN UNION RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	LOSING IN	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1866.....	180 $\frac{1}{2}$	\$2,689,237 78	.....	.....	.....	.....	\$4,367,901 58
1867.....	180 $\frac{1}{2}$	2,707,693 39	\$5,000,000 00	.....	.....	.....	5,000,000 00
1868.....	180	18,267,693 83	5,000,000 00	.....	.....	\$150,000 00	5,150,000 00
1869.....	197	4,021,061 00	3,000,000 00	.....	.....	90,362 02	3,090,362 12
1870.....	213 $\frac{1}{2}$	4,019,568 60	3,275,000 00	.....	.....	232,546 13	3,507,546 13
1871.....	213 $\frac{1}{2}$	4,000,000 00	3,275,000 00	.....	.....	296,020 51	3,571,020 51
1872.....	215 $\frac{1}{2}$	4,000,000 00	3,275,000 00	.....	.....	409,578 89	3,684,578 89
1873.....	219 $\frac{3}{4}$	4,000,000 00	3,500,000 00	.....	.....	371,269 27	3,871,269 27

¹ Common stock, \$2,707,693.33. Preferred stock, \$550,000.

WESTERN UNION RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.	Passengers- Per Mile.	
	Right of Way.	Bridging.	Rolling Stock.	Iron.	Building.	Other Purposes.	Cost of Road.			
1866.....	\$3500 00	.....	.....	.....	.....	.....	\$46,799,851 36	.....	8 1/2	8 1/2
1867.....	6,963,842 12	.....	8 1/2	8 1/2
1868.....	7,627,542 81	.....	8 1/2	8 1/2
1869.....	\$1,755 95	17,049,405 95	.....	8 1/2	8 1/2
1870 ¹	7,521,488 84	.....	.....	4
1871 ²	7,523,264 29	.....	8.96	.....
1872 ³	7,594,045 49	.....	8.87	.....
1873 ⁴	7,905,246 18	.....	8.91	.....

¹ By purchase, \$7,000,000. Construction and equipment, \$294,045.49.
² By purchase, \$7,000,000. Construction and equipment, \$295,946.16.
³ By purchase, \$7,000,000.
⁴ Average.

\$2,559,971.04.
 t of way, \$22,559.75. Building, grading,
 engines and cars, \$76,055.
 \$258,934.59.

1)
 2)
 3)
 4)

PRAIRIE DU CHIEN & MCGREGOR RAILWAY—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Length.	STOCK AND DEBT.					Amount of Debt.
		Stock paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1872.....	2	\$55,000 00	.....	.....	.....	.....	.....
1873.....	2	55,000 00	.....	.....	.....	.....	.....

PRAIRIE DU CHIEN & MCGREGOR RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.	Passeng'rs per Mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Property.	Cost of Road.		Cost per Mile.	Thro.	Way.
1872.	\$610 00	\$30,000 00	\$500 00	1 20,000 00	.....	.....	\$51,110 00	\$25,555	5	....
1873.	610 00	30,000 00	500 00	1 20,000 00	.....	.....	51,110 00	25,555	.....	.....

1 Engines and cars provided by Milwaukee & St. Paul Railroad Company.

MADISON & PORTAGE RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Mileage open to traffic.	STOCK AND DEBT.					Amount of Debt.
		Stock paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1870 ¹	35	.....	.....	.....	.....	.....	.....
1871.....	39	\$396,800 00	\$600,000 00	.....	.....	\$27,000 00	\$627,000 00
1872 ²	39	.....	.....	.....	.....	.....	.....

¹ Road commenced business after December 31, 1870. Operated by Milwan-
kee & St. Paul Company. No separate report. ² Operated by Milwaukee & St. Paul Railroad Company.

MADISON & PORTAGE RAILROAD—Statement of Cost—from Reports of the Company.

YEARS.	COST OF ROAD.							Dividends.	Passengers per Mile.		
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Cost per Mile.	Thro.	Way.
1870.....
1871.....	\$996,800 00	\$25,559	.....	.....	.....
1872.....	14,186	.....

¹ Average.

MILWAUKEE AND ST. PAUL RAILWAY—Statement of Stock and Debt—from Report of the Company.

Year.	Length in Wils. Miles	STOCK AND DEBT.					Unsecured Debt.	Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.			
1863.....	1 224	\$3,857,200 00	\$3,684,000 00	\$289,188 00	\$770,000 00	878,804 86	5,121,942 86	
1864.....	275	3,878,200 00	4,086,000 00	4 132,500 00	.....	1,083,773 11	6,606,410 86
1865.....	275	3,873,200 00	4,235,000 00	934,500 00	\$599,500 00	\$889,027 00	6,628,127 00	
1866.....	275	10,998,950 00	4,593,000 00	1,500,500 00	\$135,500 00	811,103 00	6,540,103 00	
1867.....	276	5,549,525 00	5,361,000 00	1,480,000 00	.....	523,075 19	9,024,617 25
1868.....	610	9,947,906 00	9,673,000 00	2,146,000 00	.....	836,444 45	12,894,097 02
1869.....	622	11,297,372 00	10,433,000 00	3,536,000 00	12 149,500 00	.....	18,119,500 00
1870.....	623	12,432,198 00	10,435,000 00	2,592,000 00	148,500 00	.....	18,175,500 00
1871.....	623	12,432,198 00	10,435,000 00	2,529,000 00	148,500 00	.....	18,122,500 00
1872.....	623	13,432,198 00	10,447,000 00	2,527,000 00	148,500 00	18,123,500 00	
1873.....	1,453	27,673,744 00	14 26,263,500 00	1,384,007 77	27,490,507 77	

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ts for the preceding year

Income bonds, \$20,000.00

142,000.00. Incumbrances

at series \$250,137.75.
same bonds 2d series,

of \$273,00.00.

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MILWAUKEE AND ST. PAUL RAILWAY—Statement of Cost—from Reports of the Company.

Railway Statistics.

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YEAR.	COST OF ROAD.							Passenger per mile.		
	Right of Way.	Bridging.	Grading.	Iron.	Building.	Other Purposes.	Cost of Road.		Cost per Mile.	Dividends.
1863	.....	.....	.....	.....	.....	.....	\$8,100,333 00	\$84,616 00	.....	.....
1864	\$102,266 29	\$54,148 97	\$464,081 47	\$370,823 85	\$114,385 51	\$8,051,499 24	9,156,705 83	33,297 39	\$79,239 24	24 898
1865	139,265 00	82,218 16	567,786 52	414,607 32	305,312 38	8,087,780 06	9,596,949 44	34,898 00	.....	.....
1866	.....	.....	.....	.....	.....	.....	9,867,459 15	35,861 67	\$8000, 00	399 899
1867	217,306 27	82,218 16	585,786 52	458,244 36	527,733 93	11,232,028 46	13,912,856 18	37,600 98	.....	4
1868	.....	.....	.....	.....	.....	.....	22,898,441 41	37,538 88	.....	405
1869	.....	.....	.....	.....	.....	.....	23,801,582 74	36,267 27	1,561,610 16	371
1870	.....	.....	.....	.....	.....	.....	24,384,628 32	38,203 90	1,870,253 86	362
1871	.....	.....	.....	.....	.....	.....	24,459,837 69	39,324 50	1,463,017 42	353
1872	.....	.....	.....	.....	.....	.....	25,538,979 61	41,051 61	1,231,508 71	342
1873	.....	.....	.....	.....	.....	.....	53,824,503 75	86,916 68	1,378,916 41	.....

- ¹ By purchase \$18,719,425.72. By construction \$4,079,015.69.
² By purchase \$16,891,568.66. By construction \$4,910,014.08.
³ By purchase \$16,891,568.66. By construction \$5,428,255.66.
⁴ By purchase \$18,891,568.66. By construction \$5,538,269.02.
⁵ By purchase \$18,891,568.66. By construction \$6,642,410.05.
⁶ By purchase \$42,484,314.56. By construction \$9,340,189.19.
⁷ Purchase of road.
⁸ Companies stock.
⁹ Including engines and cars \$771,515.08; fences \$21,645.87; telegraph \$15,873.63, (not specified above.)
¹⁰ By purchase \$1,121,830.04, (on the income for the years
¹¹ common stock \$440,433.36.
¹² Cash average.
¹³ Cash 3½ per cent on \$10,822,183 preferred stock.
¹⁴ Average.
¹⁵ Will furnish figures as soon as they can be arrived at—not repeated.

MILWAUKEE AND ST. PAUL STOCK—Price in the New York Market from 1860 to 1874.

YEAR.	COMPANY.	Stock.	January.		February.		March.		April.		May.		June.	
			L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	L.	H.
1861	Milwaukee & P. du C.	Common ..	10	14 $\frac{3}{4}$	10	12 $\frac{1}{2}$	11	12	9	11 $\frac{1}{4}$	9	9 $\frac{1}{2}$	14	14
1862	Milwaukee & P. du C.	Common ..	18 $\frac{1}{2}$	21 $\frac{1}{2}$	19 $\frac{1}{2}$	21	20	27 $\frac{1}{2}$	25 $\frac{1}{2}$	28 $\frac{1}{4}$	26 $\frac{1}{2}$	30	27 $\frac{3}{4}$	37
1862	Milwaukee & P. du C.	1st Prefer'd.	74	84	73 $\frac{1}{2}$	77	77 $\frac{1}{2}$	80	77	79 $\frac{1}{2}$	79 $\frac{1}{2}$	85	90	97 $\frac{1}{2}$
1862	Milwaukee & P. du C.	2d Prefer'd.	59	65	52	57	54 $\frac{1}{2}$	58 $\frac{1}{2}$	56	58	59	64 $\frac{1}{2}$	64	75
1863	Milwaukee & P. du C.	Common ..	35	48	35	41	35 $\frac{1}{2}$	40	34 $\frac{1}{2}$	44	43	60 $\frac{3}{4}$	42	56 $\frac{3}{4}$
1863	Milwaukee & P. du C.	1st Prefer'd.	.....	.....	109	109	108	110	107	107	110 $\frac{1}{4}$	110 $\frac{1}{4}$	.....	.....
1863	Milwaukee & P. du C.	2d Prefer'd.	85 $\frac{1}{2}$	90	76	78	77	78	73	80	81 $\frac{1}{4}$	90	75	82
1864	Milwaukee & P. du C.	Common ..	53	62	57	69	53	69 $\frac{1}{2}$	63	89	58	72	66	71
1865	Milwaukee & P. du C.	Common ..	39	49 $\frac{1}{2}$	42	48 $\frac{1}{4}$	30	42	30	46	34	44	34	39
1866	Milwaukee & P. du C.	Common ..	90	97	90 $\frac{1}{2}$	98	91	91	93	94	.....	.....	.....	.....
1866	Milwaukee & P. du C.	1st Prefer'd.	.....	.....	97	98	96 $\frac{1}{2}$	97	95	96	92	94	.....	.....
1866	Milwaukee & P. du C.	2d Prefer'd.	.....	.....	85	88	85	85	.....	.....	.....	.....	82	85
1866	Milwaukee & St. Paul.	Common ..	.....	.....	45	46 $\frac{1}{4}$	41	46	42	47	50	59	55	59
1866	Milwaukee & St. Paul.	Preferred..	.....	.....	.....	.....	.....	.....	55	58	60	75	69 $\frac{1}{2}$	75
1867	Milwaukee & P. du C.	Common ..	.....	.....	.....	.....	.....	.....	40	40	.....	.....	.....	.....
1867	Milwaukee & P. du C.	1st Prefer'd.	90	100	90	90	.....	.....	85	85	87	92	.....	.....
1867	Milwaukee & P. du C.	2d Prefer'd.	90	90	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1867	Milwaukee & St. Paul.	Common ..	38	47	35 $\frac{1}{2}$	40	33	35	25	36	38 $\frac{1}{2}$	37	38	40 $\frac{1}{4}$
1867	Milwaukee & St. Paul.	Preferred..	52 $\frac{1}{2}$	70 $\frac{1}{2}$	56	60	50	56	47 $\frac{1}{2}$	56 $\frac{1}{4}$	43 $\frac{1}{4}$	57 $\frac{1}{4}$	54 $\frac{1}{4}$	60
1868	Milwaukee & P. du C.	1st Prefer'd.	99 $\frac{1}{4}$	108	99	100	97	99	99	99	100	104	188	105
1868	Milwaukee & P. du C.	2d Prefer'd.	90	100	92	93	91	92	98	98	91 $\frac{1}{2}$	97	98	98

1868	Mil. and St. Paul ...	Common ..	47	52½	46½	51⅞	51	59¼	56	64¾	62	67¼	62½	67
1868	Mil. and St. Paul....	Preferred..	63¼	67	64	68	66½	75	68½	77	74¾	78¾	68½	79¼
1869	Mil. and St. Paul ...	Common ..	77½	68	67	64½	71⅞	64½	81	71⅞	79½	75⅞	80	70⅞
1869	Mil. and St. Paul....	Preferred..	96⅝	87¼	81⅞	77	80¼	76	88	80	91¼	85	91	81½
1870	Mil. and St. Paul....	Common ..	75	71½	74¾	62	63¾	58	65⅞	58	68¼	63½	68½	65
1870	Mil. and St. Paul....	Preferred..	88	85½	89¼	75	77	71⅞	80	72¾	83	77¾	83½	80
1871	Mil. and St. Paul.	Common ..	54¾	48⅝	54½	52½	62½	53½	64¾	59⅝	63	61⅞	62½	58½
1871	Mil. and St. Paul....	Preferred..	75	71⅞	55½	73¾	80¾	74¾	84	78½	82½	81	81¾	76
1872	Mil. and St. Paul....	Common ..	59½	53⅞	57¾	55	64	56½	64½	59¼	61½	57	58	52
1872	Mil. and St. Paul....	Preferred..	83	74¾	78⅝	74½	82¼	77¾	82¼	79⅝	81	78	78¾	77½
1873	Mil. and St. Paul....	Common ..	54½	51⅞	54½	51⅝	60⅞	52	62½	53	58⅞	53½	55⅞	49⅝
1873	Mil. and St. Paul....	Preferred..	79½	76½	79½	73½	76½	73	75½	68¾	74	71½	73¼	70¾

1866.—The Milwaukee and St. Paul was this year formed by bondholders of La Crosse and Milwaukee and the Milwaukee and Prairie du Chien; capital—common, \$3,406,883, and preferred, \$8,060,883.

1868.—Milwaukee and St. Paul, or "Garner corner" attempted, but proved a failure.

1868	Mil. and St. P.	Common ..	65	77 3/4	69	77	77 1/4	97 3/4	98	111	61	97 1/2	63	70 3/4	68 5/8
1868	Mil. and St. P.	Preferred..	78	85	79 1/8	84 1/4	84	96	98	112	76	98 3/4	81 1/2	89	79 1/2
1869	Mil. and St. P.	Common ..	78 3/4	83 7/8	84 7/8	78	80 3/4	61	70	65 3/4	71	65 3/4	74 5/8	66 1/4	73 1/2
1869	Mil. and St. P.	Preferred..	80 1/4	84 5/8	92 3/8	86 3/4	89 1/4	75	88 3/4	79 5/8	84 1/4	78 1/2	87 3/8	81 1/2	84 1/2
1870	Mil. and St. P.	Common ..	67 1/2	58 1/4	61 5/8	58 1/2	64 3/4	59 1/2	94 7/8	60 5/8	62 1/4	58 3/4	60 5/8	52 3/8	63 1/2
1870	Mil. and St. P.	Preferred..	82 3/8	74 3/8	77 3/4	75 1/2	82	76	82 3/4	79 1/4	82	79 1/4	82 1/8	74 1/4	79 1/4
1871	Mil. and St. P.	Common ..	61 1/2	57 1/4	63 1/4	60 1/2	64 7/8	61 1/8	68	51	58	53	55 3/8	50 1/2	58 1/2
1871	Mil. and St. P.	Preferred..	81	78 1/2	82 1/4	80	84	80 3/8	81 3/4	72	79 3/8	77 1/2	80 1/2	76 1/2	78 3/2
1872	Mil. and St. P.	Common ..	57 3/4	53	56 3/4	53 3/8	56	53 7/8	58 5/8	53 5/8	57	51	55 3/4	53	56 1/2
1872	Mil. and St. P.	Preferred..	79 3/8	78	81 1/2	74 3/4	76 1/2	74	77 1/2	74	76 3/4	72 1/4	77 3/4	75	77 3/2
1873	Mil. and St. P.	Common ..	53 5/8	50 3/4	53 3/4	50 3/8	51	30	35 1/2	22 1/4	36 3/4	21 1/2	42 3/4	34 1/2	47 1/2
1873	Mil. and St. P.	Preferred..	74 3/4	72 1/2	74	70	70 7/8	56	60	44	60	43 3/4	66 1/4	58 1/2	68 1/2

MILWAUKEE AND ST. PAUL BONDS—Prices in New York Market—1860 to 1874.

YEAR.	BONDS.	JANUARY.		FEBRUARY.		MARCH.		APRIL.		MAY.		JUNE.	
		L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	L.	H.
1860	La Crosse Land Grant.....												
1861	Mil. and Miss 2d M.....							9					
1862	La C. land grant.....			18½	18¼			85				8½	
1863	do.....												
1864	M. & P. du C. 1st M.....												
1865	M. & St. P. 1st M.....									102			
1866	M. & P. du C. 1st M.....												
1867	M. & St. P. 1st M.....							82				70	
	M. & St. P. 1st M. 8s.....											96	
	do.....												
	do.....	85½	88	87	87½		87½	84	86½	86½	89½	88	89
1868	Iowa & Minn.....												
	2d Mort.....	81	82				82			76½	94½		
	1st M. 8s.....												
	do.....												
	do.....	85	90	89	90	88	90	90	91	92	95	95	96¼
	Iowa & Minn.....												
1869	2d Mort.....									85	90	89	96
	1st M. 8s.....	103	106	102½	103½	102	103	102	108	103	105	104¼	105
	do.....		95	91	91¾	88¾	91½	91½	92¼	92½	94		93
	do.....	91	91½	91	92	89	90¾	89½	91¾	90½	94½	98	96
	Iowa & Minn.....							87	88	88½	96		92
1870	2d Mort.....												
	1st M. 8s.....	103	106		84	103¾	104	101½	105¼	105½	106	105½	107½

1870	1st M. 7 ¹ / ₂	89 ¹ / ₄	92	89	91 ¹ / ₂	89 ³ / ₄	92	91 ³ / ₈	98	92	94 ¹ / ₂	94	94 ¹ / ₄
	do	89	92	80 ¹ / ₄	92	91 ³ / ₄	94 ³ / ₄	89	93	93 ¹ / ₂	95	95	95
	Iowa & Minn.	82	85	80 ¹ / ₄	88	86	90	86	87	86	87	86	89
1871	2d Mort												84
	1st M. 8s	105	106	102 ⁵ / ₈	103 ¹ / ₂	103 ³ / ₄	104 ³ / ₄	105 ¹ / ₂	106 ³ / ₈	106	107 ³ / ₄	107 ³ / ₄	107 ¹ / ₂
	do 7 ¹ / ₂	93 ¹ / ₂	94 ³ / ₄	91 ¹ / ₂	93	93 ³ / ₄	95	95	98 ¹ / ₄	97	98	97	98 ¹ / ₂
	do	91	92	92	92 ¹ / ₂	93	94	94	95 ¹ / ₄	95 ¹ / ₈	96 ¹ / ₄	97 ¹ / ₂	98
	Iowa & Minn.		85		87 ¹ / ₂	87	87 ¹ / ₂	87	89	88	90 ¹ / ₂	90 ¹ / ₂	93
1872	2d Mort		88	87	87 ¹ / ₄	86	88 ¹ / ₄	84	87	87	89	87	88 ¹ / ₄
	1st M. 8s	108 ¹ / ₂	110 ³ / ₄	106 ¹ / ₄	107 ¹ / ₂	107	107 ¹ / ₂	106 ¹ / ₂	107	107 ¹ / ₂	108	107	108
	do 7 ¹ / ₂	95 ¹ / ₄	98	92	94 ¹ / ₂	93	95	95	96	96	96	97	98
	1st Mort	92 ¹ / ₂	94 ¹ / ₄	94	94 ¹ / ₂	92 ³ / ₄	93	93	94 ¹ / ₂	94	94 ³ / ₈	94 ¹ / ₂	95 ¹ / ₂
	Iowa & Minn.	88	88 ¹ / ₂	88 ³ / ₄	89	87 ³ / ₄	89	89 ¹ / ₂	89 ¹ / ₂	89 ¹ / ₂	90 ¹ / ₂	89	91
	2d Mort	84 ¹ / ₂	86	86	86 ¹ / ₂	87	88					85	85
1873	7s gold												
	1st M. 8s P. D.	105 ¹ / ₂	108	104 ¹ / ₂	105 ¹ / ₂	105 ¹ / ₂	106	106	107 ¹ / ₂	108	108	109 ¹ / ₄	109 ¹ / ₄
	do 7 ¹ / ₂ P. D.	93 ¹ / ₂	95 ¹ / ₈	92 ¹ / ₂	95 ¹ / ₂	93	93	92	94 ¹ / ₂	93 ¹ / ₂	95	94	96
	7s gold R. D.	95	95					88	88	92 ¹ / ₄	93 ³ / ₄	91	92 ¹ / ₂
	1st M. E. C. D.	90 ¹ / ₂	91 ³ / ₄	91 ¹ / ₂	91 ¹ / ₂	89 ¹ / ₂	91 ¹ / ₂	88 ¹ / ₄	89	91	91 ¹ / ₂	92 ¹ / ₂	93 ⁷ / ₈
	do I. & M. D.			86	86 ¹ / ₂	86 ¹ / ₂	86 ¹ / ₂	84	84 ¹ / ₂	84	84 ¹ / ₂	84 ¹ / ₂	84 ¹ / ₂
	do I. & D.												
	do H. & D.												
	do C. & M.							80 ¹ / ₂	80 ¹ / ₂	83	83	82	83
	2d M. C. & M.									77	77	77 ¹ / ₂	78
	Iowa D.	86 ¹ / ₂	86 ³ / ₄	86	87 ¹ / ₄								
	2d M. I. & M. D.	84	84	84	86								

Milwaukee and St. Paul Bonds—Prices in New York Market—1860 to 1874—continued.

Year.	Bonds.	JULY.		AUGUST.		SEPTEMBER.		OCTOBER.		NOVEMBER.		DECEMBER.		Average.
		L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	
1860	La Crosse Land Grant.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18
1861	Mil. & Miss. 2d Mort.....	.....	.....	.....	.....	.....	55	.....	.....	.....	.....	.....	.....	45
1862	La Crosse Land Grant.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	13 $\frac{3}{8}$
1863	La Crosse Land Grant.....	.....	.....	.....	.....	.....	.....	30	.....	.....	.....	.....	.....	24 $\frac{1}{4}$
1864	M. & P. du C. 1st M.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	93	.....	105 $\frac{1}{8}$
1865	M. & St. P. 1st M.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	93	.....	97 $\frac{1}{8}$
1866	M. & P. du C. 1st M.....	.....	.....	92	.....	.....	.....	.....	.....	.....	.....	.....	.....	100
1867	M. & St. P. 1st M.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	77 $\frac{1}{2}$
	M. & P. du C. 1st M.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	92 $\frac{1}{2}$
	M. & St. P. 1st M.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	98 $\frac{1}{2}$
	M. & St. P. 1st M 8s.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	do.....do.....7 $\frac{1}{8}$	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	do.....do.....	85	86	84 $\frac{1}{2}$	86	85	86	86 $\frac{1}{2}$	87	85 $\frac{3}{8}$	86	85 $\frac{3}{8}$	88	86 $\frac{1}{2}$
	Iowa & Minn.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Second Mort.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1868	First Mort. 8s.....	.....	107	102	103	103	103	102 $\frac{3}{8}$	103 $\frac{1}{8}$	96	103	102	104	88 $\frac{1}{2}$
	do.....do.....7 $\frac{1}{8}$	.....	106	.....	95	96	98	97	100	90	97	.....	.....	97 $\frac{3}{8}$
	do.....do.....	93	93	93	93 $\frac{1}{2}$	92	93	93 $\frac{1}{4}$	95	93	95	93	94	92 $\frac{1}{4}$
	Iowa & Minn.....	90	91	.....	100 $\frac{3}{4}$	90	92	92	96 $\frac{1}{8}$	.....	.....	.....	.....	93 $\frac{1}{4}$
	Second Mort.....	89	90	.....	87	83 $\frac{1}{2}$	90	.....	90	101	101 $\frac{1}{2}$	.....	.....	91
1869	First Mort. 8s.....	94	105 $\frac{3}{4}$	101	101 $\frac{1}{2}$	101 $\frac{1}{2}$	101	100	100 $\frac{1}{8}$	100 $\frac{3}{8}$	100 $\frac{1}{4}$	88 $\frac{1}{8}$	89 $\frac{3}{8}$	101 $\frac{1}{4}$
	do.....do.....7 $\frac{1}{8}$	93 $\frac{1}{2}$	95	.....	92	90 $\frac{3}{4}$	91 $\frac{1}{2}$	89	90	.....	88	90	92	91 $\frac{1}{4}$
	do.....do.....	85	90 $\frac{1}{2}$	90 $\frac{5}{8}$	91 $\frac{1}{2}$	90 $\frac{1}{2}$	92	87 $\frac{1}{2}$	90	87 $\frac{1}{2}$	90	86 $\frac{1}{2}$	86	90 $\frac{1}{2}$
	Iowa & Minn.....	.....	.....	87	88	.....	85 $\frac{1}{2}$	85	86	86 $\frac{1}{2}$	87	81 $\frac{1}{2}$	83 $\frac{1}{2}$	87 $\frac{1}{4}$
	Second Mort.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	95 $\frac{3}{4}$	97	94 $\frac{1}{2}$
1870	First Mort. 8s.....	107 $\frac{1}{2}$	108	102 $\frac{1}{2}$	102 $\frac{3}{4}$	103	105 $\frac{1}{2}$	103 $\frac{1}{2}$	105 $\frac{1}{4}$	104	104 $\frac{3}{4}$	104 $\frac{1}{2}$	105	104 $\frac{1}{2}$

1870	First Mort. 7 ¹ / ₈	95	95 ¹ / ₄	89 ¹ / ₄	93	91	92 ¹ / ₄	91 ⁷ / ₈	92 ⁵ / ₈	92 ¹ / ₄	92 ¹ / ₈	92 ³ / ₄	98 ³ / ₄	92 ¹ / ₈
	...do....do.....	.....	91	91	98	91 ¹ / ₈	94 ¹ / ₈	92 ¹ / ₈	93 ¹ / ₈	98	93 ¹ / ₈	94 ¹ / ₈	94 ¹ / ₈	92 ¹ / ₈
	Iowa & Minn.....	86	89	.....	84	86	87 ¹ / ₈	.....	87 ¹ / ₈	86	88	88	88 ³ / ₄	86 ³ / ₈
1871	Second Mort.....	.....	85	.....	85	85	87 ¹ / ₄	81 ¹ / ₈	83	83	85	83	86	84 ¹ / ₈
	First Mort. 8s.....	108 ¹ / ₈	109	105	108 ¹ / ₈	107 ¹ / ₈	109	108	108 ¹ / ₈	104	108	107	108	106 ¹ / ₈
	...do....do..7 ¹ / ₈	98	99 ¹ / ₈	94	95 ³ / ₈	94	96	92 ¹ / ₈	94	93	95 ¹ / ₈	95	96	95 ¹ / ₈
	...do....do.....	91 ³ / ₄	97	93 ¹ / ₄	93 ³ / ₄	93 ³ / ₄	95	91 ¹ / ₈	94 ¹ / ₈	92	95	.....	.....	94
	Iowa & Minn.....	89	92	85	89	88	90	85	90	85	90	89	90	88 ¹ / ₈
1872	Second Mort.....	88	89 ¹ / ₈	89	89 ¹ / ₈	89	91	86	90	83	86	84	86 ¹ / ₈	87 ¹ / ₈
	First Mort. 8s.....	108	109	105	106	101	107	106	106	106 ¹ / ₈	107	106 ¹ / ₈	106 ¹ / ₈	106 ¹ / ₈
	...do....7 ¹ / ₈	95	97 ¹ / ₈	92 ¹ / ₄	94	.....	.....	93	93	93	94 ¹ / ₈	93	93 ¹ / ₈	94 ¹ / ₈
	First Mort.....	92	92 ¹ / ₈	91 ³ / ₈	96 ³ / ₈	92	92 ³ / ₈	92	92 ¹ / ₈	92	92 ¹ / ₈	93	94	93 ¹ / ₈
	Iowa & Minn.....	87	87 ¹ / ₈	87	87 ¹ / ₈	87 ¹ / ₈	88	87	87	88 ³ / ₄	89 ³ / ₈	89	89 ³ / ₈	88 ¹ / ₈
1873	Second Mort.....	83	83	83	83 ⁵ / ₈	95 ¹ / ₈	96 ⁵ / ₈	85 ¹ / ₈	86	.....	.....	84	84	85
	7s—gold.....	.....	.....	.....	.....	.....	.....	96 ⁷ / ₈	97 ¹ / ₄	95	98	98 ³ / ₈	98 ³ / ₄	97
	First Mort. 8s P. D.....	109	110	106	106	.....	.....	103	102	100 ¹ / ₈	101 ¹ / ₈	101	106	105 ¹ / ₈
	...do....7 ¹ / ₈ P. D.....	98 ⁵ / ₈	89 ⁵ / ₈	93	93	95	95	86	90	80	87	92	93 ¹ / ₈	92 ¹ / ₈
	7s gold R. D.....	88 ¹ / ₈	89	.....	.....	88	88	75	75	70	76 ¹ / ₈	82 ¹ / ₈	84 ¹ / ₈	86 ¹ / ₈
	First Mort. L. C. D.....	90 ¹ / ₈	91 ¹ / ₈	85	90	85	85	78	81	81	85 ¹ / ₈	88	90 ³ / ₄	88 ¹ / ₈
	First Mort. I & M. D.....	80	81 ¹ / ₈	80 ¹ / ₈	81	81	81	78	79	66	73 ¹ / ₈	75	78	80 ¹ / ₈
	...do... I. & D.....	.....	.....	.....	.....	.....	.....	.....	.....	75	79	80	80	78 ¹ / ₈
	...do... H. & D.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	73	73	73
	...do... C. & M.....	.....	.....	.....	.....	71	75	.....	.....	73 ¹ / ₈	.....	74	79	78 ¹ / ₈
	Second Mort. C. & M.....	78	78 ¹ / ₈	78	82 ³ / ₄	82	83	.....	.....	71	75	74	79	77 ¹ / ₈
	Iowa D.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	86 ¹ / ₈
	Second Mort. I. & M. D.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	84 ¹ / ₈

NORTHWESTERN UNION RAILWAY¹—Statement of Stock and Debt—from Reports of the Company.

YEAR.	STOCK AND DEBT.					Amount of Debt.
	Length in Miles.	Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	
1873.....	68- ¹ / ₂	.....	\$3,500,000 00	.....	.....	.....

¹ Milwaukee to Fond du Lac.

NORTHWESTERN UNION RAILWAY—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.						Dividends.		Passengers per Mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.	Cost per Mile.	Thro'.	Way.
1873	¹ \$2,872,184 35	\$45,374	8.72	8.95

¹ Nothing for engines and cars.

WISCONSIN CENTRAL RAILROAD COMPANY—Statement of Stock and Debt—from Reports of the Company.

YEAR.	1st Jan 1857	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1858.....	911 ¹ / ₁₀₀	\$509,123 69	\$295,000 00	.....	\$117,900 00	\$47,890 24	\$460,790 24
1859.....	911 ¹ / ₁₀₀	511,184 28	693,000 00	.....	117,900 00	51,711 71	862,611 71

¹ Consisting of \$145,000 town bonds, to be used as collateral to first mortgage bonds, and \$117,900 town bonds and farm mortgages. Balance in cash.
² Paid to contractor for work done.

³ Secured only by real estate mortgages and town bonds, as collateral.
⁴ That portion of the road completed was operated this year by the Chicago and Galena Union Railroad Company.
⁵ Amount of \$461,500 paid to contractor for work done.

WISCONSIN CENTRAL RAILROAD COMPANY—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.	Passengers per Mile.		
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Cost per Mile.	Thro' h	Way.
1858	\$17,567 46	\$11,814 94	\$281,045 73	\$83,311 07	\$796 25	\$145,498 93	\$490,011 88	\$53,788	.....	3	3
1859	17,567 46	11,814 94	281,045 73	33,521 26	796 25	162,941 85	507,687 49	55,728	.....	.....	.....

LA CROSSE AND TREMPAULEAU RAILROAD, ALSO LA CROSSE, TREMPAULEAU AND PRESCOTT RAILROAD¹—Statement of Stock and Debt—from Reports of the Company.

Year.	STOCK AND DEBT.				
	Stk. Paid.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	Amount of Debt.
1860.....	\$1,500 00	.....	.....	\$500 00	.....
1862.....	1,500 00	.....	.....	.....	.....
1872.....	50,000 00	.....	.....	\$424,091 51	\$1,424,091 51
1873.....	50,000 00	.....	.....	\$426,773 68	1,426,773 68

¹ Name changed about 1861. For 1861, and from 1863 to 1872, no rep. rt. * Due Chicago and Northwestern R. R. Co. for advances. Leased by Uhl. & N. W. Co.

LA CROSSE AND TREMPAULEAU RAILROAD, ALSO LA CROSSE, TREMPAULEAU AND PRESCOTT RAILROAD—Statement of Cost—from Reports of the Company.

Year.	COST OF ROAD.							Passenger per Mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.	Cost per Mile.	Dividends.
1860.....	\$2,000 00	.....	.....
1862.....
1872.....	1,424,091 51	\$49,108	34 5
1873.....	1,426,773 68	50,956	144 4

MILWAUKEE & CHICAGO RAILROAD—Statement of Stock and Debt—from Reports of the Company.

Year.	Miles Owned by Company	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage. ^a	3d Mortgage. ^a	Unsecured Debt.	
1858 ¹	40	\$1,000,000 00	\$400,000 00	\$200,000 00	.....	\$246,865 90	\$846,865 90
1859 ²	40	1,000,000 00	400,000 00	200,000 00	.....	245,777 02	845,777 02
1860	40	1,000,000 00	400,000 00	200,000 00	.....	268,202 13	868,202 13
1861	40	1,000,000 00	400,000 00	200,000 00	.....	228,881 96	828,881 96
1862	40	1,000,000 00	400,000 00	200,000 00	\$247,892 04	.....	847,892 04
1863 ³	85	2,250,000 00	912,000 00	479,000 00	359,000 00	109,555 97	1,750,000 00
1864	85	2,250,000 00	912,000 00	479,000 00	359,000 00	153,063 10	.....
1865	85	2,250,000 00	1,258,800 00	418,000 00	49,500 00	143,831 97	1,869,631 97
1866 ⁴	.....	.....	.....	.....	.....	.....	.....

1

2

3

agent.

Leased to C1

Co.

¹ In exchange percent. municipal bonds.

² Third Mortgage bonds were issued for sum of \$200,000, but remained in hands of trustee as collateral security.

³ Report of road this year and account and 45 miles in Illinois.

MILWAUKEE & CHICAGO RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Div- dends.	Passengers per Mile.		
	Right of Way. ¹	Bridging. ¹	Grading. ¹	Iron. ¹	Building. ¹	Other Purposes. ¹	Cost of Road.		Cost per Mile.	T	P M
1858.	\$1,830,073 44	\$45,750	2.75	3.34	
1859.	1,832,850 09	.....	2.67	3.45	
1860.	1,833,695 19	45,842	.....	.....
1861.	1,833,136 39	45,828	.....	.....
1862.	1,833,136 39	45,828	.....	.....
1863.	4,000,000 00	47,059	2¼	3.00	
1864.	4,000,000 00	47,059	.....	.....
1865.	4,000,000 00	47,059	3	3½	
1866.	
									\$78,750		

¹ The road was built and equipped by contract for a specified amount, and no account was kept of items of cost. ² Cash.

CHICAGO AND NORTHWESTERN RAILROAD.—Statement of Stock and Debt—from Reports of the Company.

STOCK AND DEBT.

YEAR.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	Amount of Debt.
1859 ¹ ..	\$4,850,000 00	\$2,000,000 00	.....	.....	\$6,850,000 00
1860 ² ..	4,850,000 00	2,000,000 00	* \$429,000 00	\$331,525 62	7,610,525 62
1861 ³ ..	4,850,000 00	2,000,000 00	* 429,000 00	247,493 87	7,526,493 87
1862 ⁴ ..	5,806,000 00	2,000,000 00	* 729,000 00	218,510 44	8,553,510 44
1863 ⁵ ..	4,850,000 00	2,000,000 00	* 1,485,000 00	229,962 96	8,564,962 96
1864 ⁶ ..	8,513,638 15	1,814,000 00	.....	587,353 20	.....
1865 ⁷ ..	11,396,432 87	1,138,000 00	.....	1,410,980 78	13,945,463 65
1866 ⁸ ..	14,630,000 00	1,034,000 00	.....	1,987,497 87	17,651,497 87
1867 ⁹ ..	14,720,000 00	1,531,000 00	.....	900,132 56	17,151,132 56
1868 ¹⁰ ..	16,174,000 00	1,600,000 00	48,400 00	1,887,199 26	19,159,599 26
1869 ¹¹ ..	14,821,000 00	1,205,000 00	48,400 00	2,900,653 62	18,475,053 62
1870 ¹² ..	14,037,000 00	1,130,000 00	10,500 00	1,694,645 27	16,872,145 27
1871 ¹³ ..	19,863,500 00	1,130,000 00	10,500 00	1,654,397 08	22,159,897 08
1872 ¹⁴ ..	21,073,000 00	1,130,000 00	9,500 00	279,957 80	22,492,457 80
1873 ¹⁵ ..	25,683,000 00	1,068,000 00	9,500 00	1,132,549 00	27,833,049 00

¹ Special bond.² The Galena and Chicago Union R. R. was consolidated with this R. R. June 2, 1864, and the Peninsular R. R. of Michigan, Oct. 22, 1864.³ 30 miles of this double track.⁴ Stock subscribed \$20,700,000.⁵ Fifty six miles of which in operation only since Oct. 15, 1869.⁶ This company has no record of subscription made to other companies consolidated with this. Above amount believed to be correct.—*Ill. Rep.*⁷ Same amount, as were most extension bonds for the held under matters per-⁸ Secured on Chicago depot grounds \$940,000 and Appleton extension bonds \$184,000.

CHICAGO AND NORTHWESTERN RAILROAD.—Statement of Cost—from Reports of the Company.

Year.	COST OF ROAD.						Dividends.		Passengers per mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Building.	Other Purposes.	Cost of Road.	Cost per Mile.		
1869.	3 1/2	3 1/2

Since the purchase of the road, this company has expended about \$1,250,000.

CHICAGO AND NORTHWESTERN STOCK—Price in the New York Market from 1860 to 1874.

YEAR.	Stock.	January.		February.		March.		April.		May.		June.	
		L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	L.	H.
1863	Common	16	23	16	21	16	18 1/2	16	26	25	48	28 1/2	35 1/2
1864	Common	45 1/2	56	47 5/8	56	65 1/2	88	47	77	48 1/2	65 1/2	50	60
1864	Preferred	61	67	65	65	71	87	70	97	72	94 1/4	86	94 1/2
1865	Common	32	40 1/2	32 1/4	37	20	34	21 1/8	35 3/4	21 3/4	33	23	27
1865	Preferred	61 1/4	71 7/8	61 1/4	67 1/2	48	64	48	67	52 1/2	63 1/2	53	57
1866	Common	27	36 1/2	26 5/8	29 1/2	25	27 7/8	24	30 1/8	26 1/2	29 7/8	28 1/4	31 1/2
1866	Preferred	53 1/2	62 7/8	55 5/8	56 3/4	52	57 3/8	52 1/2	59 5/8	55 1/4	61 3/4	58	61 3/4
1867	Common	32	46 1/2	35 1/4	39 1/4	32 5/8	36 5/8	30	36 1/8	36 1/2	63 3/4	33 3/4	44 3/8
1867	Preferred	57 1/2	83 1/8	63 3/8	69 5/8	59 1/4	65 7/8	56 3/4	65 1/2	56 3/4	60 5/8	58	65 1/2
1868	Common	58 1/4	62 1/2	58 1/2	61 1/4	62	69 1/2	60	64	63	70	65 1/4	72
1868	Preferred	70 1/4	76	72	75 1/2	72 5/8	76 7/8	68	76 1/2	75	80 3/4	77 1/4	84 1/2
1869	Common	84 3/4	81	84 3/4	82	85 1/4	81	87 5/8	83	94	85	93 1/4	77 5/8
1869	Preferred	92	83 1/4	92 3/4	90	92 3/4	89 3/4	98 1/2	93 1/2	106 3/8	96 3/4	105 1/8	93 3/8
1870	Common	75 1/4	67	74 1/4	69	74	69 1/8	80 3/4	70 5/8	83 1/4	79	85 3/4	81 3/8
1870	Preferred	91 1/4	82 1/2	90 7/8	86	88 7/8	81 1/4	92	82 3/4	92 1/8	88 1/4	92 1/2	88
1871	Common	76 3/8	69 3/4	70 3/4	74	89	77 1/4	92 1/8	80 1/2	87 1/4	83 1/2	86 3/4	72
1871	Preferred	86 3/8	81 1/4	88 5/8	84 1/4	97 1/8	86 1/2	100 1/8	94 7/8	99 3/8	96 1/2	99	86 3/4
1872	Common	75 1/2	66 3/8	77 5/8	73 1/8	84	76 1/2	85 1/4	78 3/4	80 5/8	72	75 1/2	70 1/2
1872	Preferred	94 3/4	90 1/2	92 3/4	90	96	90 1/2	97 1/8	92 1/2	94 3/4	92 3/4	94 3/4	90 1/2
1873	Common	84	80 1/2	85	80	82 1/2	80	82 1/4	76	81	77 1/2	74	70 1/2
1873	Preferred	92	87 3/8	94	89	89 3/4	87 1/2	88	83	87 1/2	84 1/2	85	81
1874	Common												
1874	Preferred												

1868—"Henry Keep corner,"—stock rose in October to 97 3/4.

1872—"Corner, and stock carried from 77 1/2 to 93, in November. This said to be "the most successful corner since the Harlem game in 1864."

CHICAGO AND NORTHWESTERN STOCK—Price in the New York Market from 1860 to 1874—continued.

Year.	Stock.	July.		August.		September.		October.		November.		December.		Average.
		L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	
1863	Common	27 3/4	38	32	38 1/2	32	37 1/2	36	47 1/2	43 1/2	50 1/2	43 1/2	49	31 3/8
1864	Common	48 3/4	58	52 5/8	57 3/4	44 1/2	54	34	46	40 1/4	47 3/4	38	44 1/4	53
1864	Preferred	84	93	85 1/2	91 1/2	77	86 3/4	67 1/2	81	75 7/8	85 1/2	69 1/4	78 1/8	79 3/4
1865	Common	26	30 1/2	26	30	27 1/2	29 1/2	28 1/2	34 1/2	31	39 3/4	34 3/4	37 1/8	30 1/2
1865	Preferred	56 1/2	66	58 1/2	64	60 7/8	64	62 1/2	69	64 1/4	69	61	65 3/4	61 1/2
1866	Common	30	37	35 3/4	37 3/4	34	37 1/2	38	60 7/8	37 3/4	62 1/2	42	55 1/2	35 1/2
1866	Preferred	59	66 3/4	63	68 3/4	65 3/8	72 1/4	72	81 3/4	69 5/8	82	65 1/2	84 5/8	64 1/2
1867	Common	43	51 3/4	44 3/8	50	38 1/2	46 3/4	41 1/2	78 3/8	46 1/4	58 5/8	55	65 1/4	42 3/4
1867	Preferred	64 7/8	73 1/4	67 1/2	71 7/8	63	71 3/4	65 3/8	70	62 3/8	67 3/4	66	71 3/8	44 3/4
1868	Common	73	84 3/4	80	83 1/2	84	90 3/4	88 3/8	97 3/4	73	90 3/8	74 5/8	86 1/2	73 8/8
1868	Preferred	78 3/4	84 7/8	79 1/2	83 3/4	83 7/8	91 1/4	88	98 1/8	77 1/4	91 1/2	75 3/4	88 1/2	80 1/4
1869	Common	83	78 3/4	93 1/4	83 3/8	86 1/4	63	73 3/4	69 3/4	75 7/8	65 5/8	76 1/2	66 3/4	80 3/4
1869	Preferred	96 3/4	93 5/8	101	93 3/4	95	79	85 3/8	83 3/4	89	83 1/4	90 3/8	80 7/8	91 1/2
1870	Common	84	79 1/4	82 3/4	80	83 1/4	81	82 3/4	79 1/4	82	78	81 1/4	68	75 7/8
1870	Preferred	89 5/8	83 1/2	87 1/4	83 1/4	89 3/8	85 5/8	90 5/8	87 1/2	91 1/4	88 1/2	90 3/8	80	87 3/8
1871	Common	74	68 3/8	72	67 1/2	74 7/8	67 5/8	70 1/8	51 1/2	63	59 1/2	69 5/8	60 1/2	73 1/4
1871	Preferred	92 3/8	87 3/4	92 3/4	91 1/8	94 3/4	89 1/2	91	83	91 1/8	88 1/4	92 3/4	86 3/8	90 1/4
1872	Common	76 7/8	72 3/4	75 5/8	72 1/4	74 5/8	70	83 3/8	68 1/2	230	77 3/4	90	81 1/2	82 1/2
1872	Preferred	91 1/2	90 5/8	91 3/8	89 3/4	90 5/8	84	90	84 3/4	102	83 7/8	92 3/4	85 3/4	91 1/2
1873	Common	71 7/8	68 1/8	69 1/4	64	64 3/4	40	45 3/8	31 1/2	50	31 5/8	57 5/8	47	66 1/2
1873	Preferred	84	80 1/2	83 1/2	82	81 1/4	64	71	54	70	53	73 1/2	67 1/2	79 3/4
1874	Common													
1874	Preferred													

CHICAGO AND NORTHWESTERN BONDS. Prices in New York Market—1860 to 1874.

YEAR.	BONDS.	JANUARY.		FEBRUARY.		MARCH.		APRIL.		MAY.		JUNE.	
		L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	L.	H.
1860												
1861					88							
						81½			15			
									71			
									83			
1862												
	85	45										
		19										
1863												
	89											
	12											
		113										
1864												
	60									95		
	88									78		
					102							
1865												
	74											
		107									92½	
1866												
		97										
					73							
1867					87							
					85							
						85			86			88
	97	97			94	95	86½	84	98	94	93½	93½
												
	80	86	83	88	80	83	79	80	78	79½	79	80
												
1868	First Mortgage												
	C. & N. 1st Mortgage	87½	88½	84	84½	84	87	84	84½	81	83	83½	87
	Sinking Fund			76½	88½	88	88½	87	88		88	84	95
			98	94	95		95	90	95½		98½	90	99½

Chicago and Northwestern Bonds—Prices in New York Market—1860 to 1874—continued.

Year.	Bonds.	JULY.		AUGUST.		SEPTEMBER.		OCTOBER.		NOVEMBER.		DECEMBER.		Average.
		L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	L.	H.	
1860			85							71				78
1861	Sinking Fund				64									51
	First Mortgage				37½									28¼
1862	Second Mortgage													76¼
	Sinking Fund											10		89
	First Mortgage								103					14½
	Second Mortgage								82					93½
1863	Sinking Fund			101									87½	80½
	First Mortgage													24¾
	Second Mortgage													106½
1864		120												82
		106												55½
1865														111
														97
1866														89½
														99¾
1866			99											85
														98
1867	U. & N., 1st Mortgage		85½		88		88			90½				87¾
	Sinking Fund		97				96		95	97			96¼	94½
	Interest Bonds		90		91					90				90½
	Consol.	80	84	89	88		82	82	83	81	83	81	82	81½
	Extension													78¾
1868	First Mortgage	85	90	85	87		86½	88	85½	88½	85½	84	87	85½
	C. & N., 1st Mortgage		91½	89½	91	89½	90	90	90	90				89½
	Sinking Fund		90½		97		97		97					96½

GREEN BAY & LAKE PEPIN RAILROAD, NOW GREEN BAY & MINNESOTA.—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Length Miles.	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1871.....	140	\$328,000 00	\$640,000 00				
1872.....	40	728,000 00	2,446,000 00			\$100,000 00	\$3,546,000 00
1873.....	150	738,000 00	3,200,000 00	\$800,000 00		100,000 00	4,100,000 00

¹ From Green Bay to New London.

GREEN BAY & LAKE PEPIN RAILROAD, NOW GREEN BAY & MINNESOTA.—Statement of Cost—from Report of the Company.

YEAR.	COST OF ROAD.							Dividends.	Passenger per mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Building.	Other Purposes.	Cost of Road.		Cost per Mile.	Thro.	Way.
1871..	1,509 04	1 95,888 28	1 \$100,464 84	.....	.....	.....	.....	.....	8 3/4	4
1872..	5,802 65	66,424 61	270,915 60	\$789,392 50	\$4,578 70	\$102,888 95	\$1,289,998 08	.....	.....	.....
1873..	7,000 00	57,705 00	117,480 00	482,811 98	26,960 00	70,260 00	712,216 98	.....	.....	.....

¹ In part.

² Engines and Cars.

MILWAUKEE & BELOIT RAILROAD.—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Length in Miles.	STOCK AND DEBT.					
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	Amount of Debt.
1858.....	1 ...	\$377,121 97	\$206,000 00	.....	.....	\$117,155 96	\$323,155 96

¹ No part of road completed.
² In cash and farm mortgages.

³ Including those with city of Milwaukee, 403 of these bonds are by both.

MILWAUKEE & BELOIT RAILROAD.—Statement of Cost—from Report of the Company.

YEAR.	COST OF ROAD.						Dividends.		Passeng'rs per mile.
	Right of way.	Bridging.	Grading.	Iron.	Building.	Other Purposes.	Cost of Road.	Cost per mile.	
1858..	19,708 81	\$42,806 13	\$254,229 91	\$19,464 30	\$111,806 75	¹ \$119,560 20	.....	.....	....

¹ Including for ties, \$9,487.73; discount, \$32,756.26; salaries, \$25,132.13; interest, \$24,465.26; taxes, office expenses, printing, attorney's account, etc., \$27,718.82.

YEAR.	Miles in Length.	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1872.....	43	\$1,250,000 00	\$3,000,000 00	.....	.....	.....	.....
1873.....	125 ¹ / ₈	1,000,000 00	3,000,000 00	.....	.....	\$100,000 00	\$8,100,000 00

MILWAUKEE, LAKE SHORE AND WESTERN RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.		Passengers per Mile.	
	Right of Way. ¹	Bridging.	Grading.	Iron.	Building.	Other Purposes.	Cost of Road.	Cost per Mile.	Per Cent.	Total.	Way.
1872 ¹			
1873 ¹	\$3,750,000 00	\$28,626	4	.....	4

¹ Road in process of construction: operated by contractor.

FOX RIVER VALLEY RAILROAD¹—Statement of Stock and Debt—from Reports of the Company.

YEAR.	A. S. C.	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsettled Debt.	
1858 ⁴	3	\$148,631 84	.....	.....	.....	\$18,086 13	\$18,086 13
1859.....	3	148,631 84	.....	.....	.....	18,086 13	18,086 13

¹ Name changed to Milwaukee and Northern Illinois Railroad Company, March 11, 1859.

² The books, papers, and securities passed through the fire when Young's Block burned, June 22, 1859. Most of the books and all the securities were saved, but most of the vouchers and other papers relating to the business of the year were lost.

³ Work of construction was discontinued for want of resources, Oct. 15, 1858. No line in operation.

⁴ Of this sum, \$59,000 was paid in town bonds. A portion of the farm is to be sold at 75 per cent. Amount of town bonds \$19,000.

FOX RIVER VALLEY RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.		Passenger per Mile.	
	Right of Way.	Engineering.	Bridging and Fencing.	Grading.	Real Estate, etc.	Other Purposes.	Total Cost.	Cost per Mile.	Total.	Per Mile.	Per Mile.
1858.....	\$5,145 25	\$10,710 46	\$6,420 35	\$51,613 25	\$718 65	\$81,277 45	\$105,885 41	.....	.....	.....	.....
1859.....	5,145 25	10,710 46	6,420 35	51,613 25	718 65	81,277 45	105,885 41	.....	.....	.....	.....

¹ Including interest and discount on farm mortgages, \$12,282.15.

MILWAUKEE AND NORTHERN RAILWAY¹—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Length in Miles.	STOCK AND DEBT.				
		Stock Paid.	1st Mortgage.	3d Mortgage.	Unsecured Debt.	Amount of Debt.
1871....	13.16	\$284,200 00	\$192,0		\$216,430 00	\$408,430 00
1872.....	92.16	\$1,530,000 00	1,625,0		93,750 00	1,718,750 00
1873.....	125.16	\$2,014,700 00	2,134,0		152,129 84	2,286,129 84

¹ Leased to the Wisconsin Central Railway Company, December 1, 1873.² Operated by this company and the Milwaukee and St. Paul Railroad³ contract for construction, payable in compa-⁴ Menasha, 22 83 100 miles, and Milwaukee from Milwaukee to Schwabburg, leased,⁵ Subject to adjustment by bond under contract.⁶ 10 miles; Milwaukee to⁷ and Shawano, and city⁸ upon, stock and bonds

MILWAUKEE AND NORTHERN RAILWAY—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.		Passengers. Per Mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Building.	Other Purposes.	Cost of Road.	Cost per Mile.		Thro'.	Way.
1872 ¹	\$3,249,050 00	.....	.....	4	4
1873 ¹

¹ Road built by contract at a given rate per mile.

MINERAL POINT RAILROAD.—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Miles operated.	STOCK AND DEBT.				3d Mortgage.	8,000 00	648,000 00
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.			
1858.....	32	\$666,401 88	\$320,000 00	\$320,000 00	.....	.....	\$3,000 00	\$648,000 00
1859.....	32	666,401 88	320,000 00	320,000 00	.....	.....	8,000 00	648,000 00
1860.....	.....	.....	.....	.....	.....	.....	.....	.....
1861.....	32	.....	.....	.....	.....	.....	.....	.....
1862.....	32	75,000 00	.....	.....	.....	.....	.....	.....
1863.....	32	500,000 00	.....	.....	.....	.....	.....	.....
1864.....	32	500,000 00	.....	.....	.....	.....	.....	.....
1865.....	32 1/2	800,000 00	.....	.....	.....	.....	.....	.....
1866.....	32 1/2	500,000 00	.....	.....	.....	.....	.....	.....
1867.....	32	1,200,000 00	.....	.....	.....	.....	.....	.....
1868.....	43	1,200,000 00	320,000 00	.....	.....	.....	.....	320,000 00
1869.....	43	1,200,000 00	320,000 00	.....	.....	.....	.....	320,000 00
1870.....	51	1,200,000 00	320,000 00	.....	.....	.....	.....	320,000 00
1871.....	51	1,200,000 00	320,000 00	.....	.....	.....	.....	320,000 00
1872.....	51	1,200,000 00	320,000 00	.....	.....	.....	.....	320,000 00
1873.....	51	1,200,000 00	320,000 00	.....	.....	.....	.....	320,000 00

* No report.

* Sold on foreclosure by U. S. District Court decree, Nov. 12, 1861, and re-organized.

* Including Dubuque, Plattville and Milwaukee railroad, from Calamine to Belmont—14 miles.

MINERAL POINT RAILROAD.—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.								Passenger per mile.		
	Right of Way.	Bridging.	Grading.	Iron.	Building.	Other purposes.	Cost of Road.	Cost per Mile.	Dividend	Thro.	Way.
1858	\$5,297 37	\$12,727 95	\$169,220 67	\$433,000 00	\$16,043 39	\$897,710 63	\$1,534,000 00	\$47,937 00	...	4	4 1/2
1859	5,297 37	12,727 95	169,220 67	433,000 00	16,043 39	897,710 63	1,534,000 00	47,937 00	...	4	4 1/2
1860
1861
1862	75,000 00	2,343 00	.....	.....	.....
1863	75,000 00	2,343 00	.....	3 7/8	4 1/2
1864	75,000 00	2,343 00	.....	5	5
1865	75,000 00	2,343 00	.....	.....	.....
1866	75,000 00	2,343 00	.....	4 3/4	5
1867	1,200,000 00	36,363 63	.....	5	5
1868	1,200,000 00	27,907 00	.....	5	5
1869	1,200,000 00	27,907 00	.....	5	5
1870	1,200,000 00	23,529 00	.....	5	5
1871	1,200,000 00	23,529 00	.....	5	5
1872	1,200,000 00	23,529 00	.....	5	5
1873	1,200,000 00	23,529 00	.....	5	5

NORTH WISCONSIN RAILROAD.¹

¹ No separate report for this road. Returns included in West Wisconsin Railroad report.

SHEBOYGAN AND MISSISSIPPI RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Miles operated.	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2nd Mortgage.	3rd Mortgage.	Unsecured Debt.	
1858 ¹	25	.....	.....	.....	.....	.....	.....
1859 ²	14	\$583,029 80	\$168,500 10	.....	.....	.....	\$200,521 87
1860.....	20	583,625 30	200,000 00	.....	.....	\$521,87	.....
1861 ⁴ .....	.....	.....	.....	.....	.....	.....	.....

¹ Work of construction was suspended in Oct. 1857, but resumed in 1858.

² Opened to Glenbulah, March 29, 1860.

³ Twenty miles in course of construction.

⁴ Continued as the Sheboygan and Fond du Lac R. R.

SHEBOYGAN AND MISSISSIPPI RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.	Passeng'rs per mille.		
	Right of Way.	Bridge- ing.	Grading.	Iron, ties and laying.	Buildings.	Other Purposes.	Cost of Road		Cost per Mile.	Tbys.	Ways.
1858.	.....	.....	.....	.....	.....	.....	1 \$481,861 09	.....	.....	8 1/2	8 1/2
1859.	\$36,944 11	\$81,215 50	\$315,214 09	\$195,250 00	\$49,800 00	\$126,131 29	754,581 99	.....	.....	.....	.....
1860.	*37,592 98	.....	.....	.....	.....	14,388 81	826,976 74	41,848 88	.....	.....	.....
1861.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

¹ Including \$21,178.68 discount on bonds, interest and commission.

² \$775,000 for bridging, Grading, Iron and Building.

MILWAUKEE AND SUPERIOR RAILROAD—Statement of Stock and Debt—from Reports of the Company.

STOCK AND DEBT.				
Year.	1st Mortgage.	2d Mortgage.	Unsecured Debt.	Amount of Debt.
1858 ¹	\$200,000 00	.....	.....	.....

¹ All operations suspended Jan. 1, 1858. The former secretary and acting its previous to that date. The former it resigned in April, and had rendered it, is but an approximate statement.

² On 2,064 shares, payment made in full by farm mortgages; on 825 shares, five per cent. paid by check; on 80 shares, an average of about 15 per cent. paid in cash.
³ Collateral for debt of \$194,000 and interest.
⁴ To city of Milwaukee, as collateral to company's bond of indemnity.

MILWAUKEE AND SUPERIOR RAILWAY—Statement of Cost—from Reports of the Company.

Year.	COST OF ROAD.						Dividends.		Passeng'rs per mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.	Cost per Mile.	Third.	Year.
1858	\$12,752 48	.....	\$50,000 00	40,000 00	\$11,000 00	\$45,000 00	\$158,752 42	.....	.....	.....

¹ Including locomotives, cars, fencing, interest, salaries, etc.

SHEBOYGAN AND FOND DU LAC RAILROAD (Formerly Sheboygan and Mississippi)—Statement of Stock and Debt—
from Reports of the Company.

STOCK AND DEBT.

Year.	1st Mortgage.	2d Mortgage.	Unsecured Debt.	Amount of Debt.
1861.....				
1862.....				
1863.....				
1864.....				
1865.....				
1866 ¹				
1867.....				
1868.....				
1869.....				
1870.....				
1871.....				
1872.....				
1873.....				

¹ A portion
but the
share of

hands of a receiver,
Repairs and exten-

² Secured.
³ Including interest on bonds, \$99,135.00.

SHEBOYGAN AND FOND DU LAC RAILROAD (Formerly Sheboygan and Mississippi)—Statement of Cost—from Reports of the Company.

YEARS.	COST OF ROAD.							Dividends.	Passengers per Mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Cost per Mile.	Per M.
1861.....	\$212, 400 40	.....	.....	.....
1862.....	222, 000 00	.....	.....	.....
1863.....	462, 728 10	.....	2 1/2	8 1/2
1864.....	\$457, 291 05	\$6, 814 27	.....	.....	.....	.....	468, 605 27	.....	8 1/2	4
1865.....	468, 605 07	.....	.....	.....
1866.....	481, 000 00	.....	4 1/2	4 1/2
1867.....	502, 000 00	.....	4 1/2	4 1/2
1868.....	985, 000 00	.....	4 1/2	4 1/2
1869.....	1, 977, 000 00	.....	4 1/2	4 1/2
1870.....	2, 000, 000 00	.....	4 1/2	4 1/2
1871.....	2, 000, 000 00	.....	4	4 1/2
1872.....	2, 980, 399 00	.....	8 1/2	4 1/2
1873.....	2, 633, 861 11	.....	8 1/2	8 1/2

¹ Original cash cost, excluding salaries, discount, interest and commission.
² In subsequent reports the original cash cost of this 30 miles is stated at \$457,291.00.

³ May 1, 1868 the cost of Lac was: grading, \$212,400; buildings,

MILWAUKEE AND FOND DU LAC AIR LINE RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Length.	STOCK AND DEBT.					Amount of Debt.
		Stock paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1858.....	1	\$19,505 00	.....	.....	.....	.....	\$7,000 00

¹ No road ever in operation. ² Capital stock subscribed, about 829 shares, of which 188 shares were paid in full in farm mortgages, and on 141 shares five per cent. was paid in cash or services.

MILWAUKEE AND FOND DU LAC AIR LINE RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.		Passeng'rs per Mile.
	Right of Way.	Bridging.	Grading.	Iron.	Engineering.	Other Property.	Cost of Road.	Cost per Mile.	Thro.	Way.
1858	1 2,256 00	.....	.....	.....	.....	.....

¹ Besides some unsettled accounts for services.

SUPERIOR AND ST. CROIX RAILROAD—Statement of Stock and Debt—from the Reports of the Company.

YEARS.	Miles in North	STOCK AND DEBT.					
		Stock Paid.	1st Mortgage. ⁴	2d Mortgage. ⁴	3d Mortgage. ⁴	Unrecured Debt.	Amount of Debt.
1871.....	.....	¹ \$88,440 00	.....	.....	.....	.....	.....
1872 ².....	.....	¹ 407,000 00	.....	.....	.....	.....	.....
1873.....	24½	³ 407,000 00	.....	.....	.....	\$2,596 70	\$2,596 70

¹ \$350,000 in exchange for Douglas county bonds.

² This report covers the Superior & Northwestern Railroad—about 9 miles in Minnesota.

³ \$350,000 in exchange for Douglas county bonds, and balance covering total expenditures to date.

⁴ None.

⁵ Under contract with Wallbridge Bro. & Sargeant, of Ohio, from Superior to North Pacific Junction, etc.

SUPERIOR AND ST. CROIX RAILROAD—Statement of Cost—from the Reports of the Company.

YEARS.	COST OF ROAD.							Dividends.	Passenger Per mile.
	Right of Way.	Bridging.	Grading.	Iron.	Building.	Other Purposes.	Cost of Road.			Cost Per Mile.
1871.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1872.....	\$1,044 72	\$6,484 95	\$12,361 04	\$12,199 90	.....	\$18,985 21	\$51,025 82	.....	.....
1873.....	1,044 72	6,484 05	12,361 04	12,199 90	\$5,974 18	1,593 29	39,657 18	\$16,121 00	.....
									Way.
									Thr o'h.

¹ Ties.

² Engineering.

ST. CROIX AND LAKE SUPERIOR RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	STOCK AND DEBT.			
	Stock Paid.	1st Mortgage.	2d Mortgage.	Unsecured Debt.
1866.....				
1867.....	\$252,50			\$78,000 00
1868 ¹				
1869 ¹				
1870.....	252,50			
1871.....	315,50			90,000 00
1872.....	315,50			98,800 00
1873.....	315,50			*100,000 00
				100,000 00
				122,000 00
				128,800 00
				132,000 00
				132,000 00

¹ No report.² About.

ST. CROIX AND LAKE SUPERIOR RAILROAD—Statement of Cost—from the Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.	Passenger per Mile.		
	Right of Way.	Bridge-ing.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Cost per Mile.	Thro.	Way.
1866	\$847,500 00	.....	.....	.....
1867	409,864 00	.....	.....	.....
1870*	\$874,500 00	.....	.....	.....
1871	443,800 00	.....	.....	.....

¹ By purchase.² The present stockholders purchased the road for a gross sum, as above.³ No report for 1869 and 1869.

SUPERIOR AND STATE LINE RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Is Paid in 1869	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1866 ¹	\$2,000 00	.....	.....	.....	.....	.....
1867.....	2,000 00	.....	.....	.....	.....	.....
1868.....	2,000 00	.....	.....	.....	.....	.....
1869 ²	2,000 00	.....	.....	.....	.....	.....

¹ Active operations ceased in 1860, but were resumed in 1866.

² No track completed. "Expenditure was for survey," etc.

SUPERIOR AND STATE LINE RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.								Passenger per Mile.
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.	Cost per Mile.	
1866.....	\$574 76	.....	.....
1867.....	2,000 00	.....	.....
1868.....	2,000 00	.....	.....
1869.....	4,500 00	.....	.....

¹ Cost of survey and cutting out route.

² Donated.

WEST WISCONSIN RAILROAD—Statement of Stock and Debt—From the Reports of the Company.

Years.	Miles operated.	Stock Paid.	STOCK AND DEBT.			
			2d Mortgage.	Mortgage.	Unsecured Debt.	Amount of Debt.
1869 ¹	66	\$1,000,00	.....	.....	.....	\$4,000,000 00
1870.....	115	1,200,00	.....	.....	180,000 00	4,180,000 00
1871.....	157	1,500,00	.....	.....	200,000 00	3,700,000 00
1872.....	197	4,000,00	.....	.....	.....	4,640,000 00
1873.....	211	.....	\$3,500,000 00	.....	.....	7,140,000 00

¹ The road leased and run by the Mil. and St. Paul Railroad.² Length of main line from Tomah to Hudson, 127 miles.³ \$300,000, of which \$150,000 have been issued and sold.4
6

from North Wisconsin Junction to

WEST WISCONSIN RAILROAD—Statement of Cost—from the Reports of the Company.

Year.	COST OF ROAD.							Dividend.	PASSENGERS PER MILE.	
	Right of Way.	Bridge-ing.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Cost per Mile.	Way.
1869	\$10,000 00	\$145,000 00	\$200,000 00	\$640,000 00	\$7,000 00	\$418,000 00	\$1,820,000 00		\$20,000 00	
1870	18,000 00	280,000 00	560,000 00	1,240,000 00	25,000 00	737,000 00	2,800,000 00		28,918 04	
1871	85,568 57	344,870 43	514,147 51	1,149,300 00	40,200 48	1,416,419 01	3,500,001 00		22,867 70	4
1872	42,568 57	253,855 27	681,681 51	1,319,400 00	50,673 42	4712,462 85	8,060,135 16		15,538 68	4.54
1873							7,125,000 00		88,767 17	4.28

¹ About.

² Including engines and cars, about \$20,400. Also, laying track and all other expenditures, \$387,600.

³ Engines and cars.

⁴ Engines and cars.

⁵ Engines and cars.

⁶ Engines and cars.

and con

tes, etc.,

WISCONSIN CENTRAL RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividend.	Passenger per Mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Thro. ¹	Way.
1871.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1872.	\$13,911 28	\$258,998 32	\$808,849 31	\$1,432,439 35	\$98,905 52	\$1,232,335 76	\$3,645,439 54	.....	.....	.....
1873.	24,314 36	480,680 54	1,099,363 46	1,821,990 96	153,864 48	\$1,604,016 23	5,214,230 03	.....	.....	.....
								.....	4	4

¹ And real estate.

² Including engines and cars, \$432,862.73, and other purposes, \$799,402.98.

³ Including engines and cars, \$484,985.81; ties, \$189,927.89; clearing and grubbing, \$218,883.66; other purposes, \$710,718.87.

⁴ Average.

WISCONSIN VALLEY RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Length in Wis. Miles.	STOCK AND DEBT.					Amount of Debt.
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	
1873.....	160	\$491,000 00	\$1,500,000 00	.....	.....	\$31,432 79	\$1,531,432 79

¹ Tomah to Junction City.

WISCONSIN VALLEY RAILROAD—Statement of Cost—from Reports of the Company.

YEAR.	COST OF ROAD.							Dividends.	Passengers per Mile.	
	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.		Cost per Mile.	Thro' h	Way.
1873	\$4,378 75	\$16,488 74	\$82,882 14	\$459,689 95	\$8,919 32	\$487,004 06	\$1,059,962 96	\$17,666 00	4 1/2	5

* Including engines and cars, \$248,122.96; other purposes, \$239,481.10.

ST. CROIX AND LAKE SUPERIOR RAILROAD—Statement of Stock and Debt—from Reports of the Company.

YEAR.	Length in Miles.	STOCK AND DEBT.					
		Stock Paid.	1st Mortgage.	2d Mortgage.	3d Mortgage.	Unsecured Debt.	Amount of Debt.
1858.....	1	\$19 00	None.....	None.....	None.....	\$163, 646 30	\$163, 646 30

¹ No road in operation. The company "confidently expects, with judicious management, that the lands accruing to the company will go a great way toward, if not entirely pay, the whole cost of constructing the road."

ST. CROIX AND LAKE SUPERIOR RAILROAD—Statement of Cost—from Reports of the Company.

COST OF ROAD.							Dividends.		Passengers per Mile.	
YEAR.	Right of Way.	Bridging.	Grading.	Iron.	Buildings.	Other Purposes.	Cost of Road.	Cost per Mile.	Thro'.	Way.
1858	\$138,646 30	.....	.....	\$25,000 00	\$163,646 30	.....	.....	.....

COST OF RAILROADS—Abstract of Reports by the Companies for the year ending December 31, 1873.

COMPANIES.	Road in Wisconsin. Miles.	Total Road. Miles.	CAPITAL		Total Cost of Road and Equipment.	MORTGAGE DEBT.	
			Subscribed.			First Mortgage.	Second Mortgage.
Chicago & N. W.	473.54	1986.85	.....	\$36,477,178 83	\$84,310,223 88	\$25,633,000	\$1,077,500
North W. U.	63.30	63.30	.....	.....	8,500,000 00	18,500,000	.....
La C. T. & P.	28.00	28.00	.....	50,000 00	1,467,778 68	1,000,000	.....
Mil. & St. Paul	124.17	1458.00	.....	27,673,744 00	55,170,251 77	126,962,500	.....
Madison & P.	39.00	39.00	.....	.....	.....	.....	.....
Western Union.	85.20	219.75	\$4,000,000 00	\$4,000,000 00	7,871,269 27	3,500,000	.....
Wisconsin Cent.	320.00	320.00	.....	.....	.....	.....	.....
Mil. & North'n.	125.77	125.77	2,241,700 00	2,014,700 00	4,800,829 84	2,184,000	.....
G. Bay & Minn.	150.00	150.00	927,800 00	788,000 00	4,888,000 00	8,200,000	800,000
West Wisconsin.	192.00	211.00	.....	.....	.....	4,646,000	2,500,000
Mil. L. S. & W.	125.60	125.60	1,000,000 00	1,000,000 00	4,100,000 00	8,000,000	.....
Mineral Point	49.00	51.00	.....	1,200,000 00	1,520,000 00	820,000	.....
P. du Chien & M.	1.75	2.00	100,000 00	55,000 00	55,000 00	.....	.....
Sheb'n & F. du L.	78.40	78.40	1,267,000 00	1,267,000 00	2,976,759 25	1,522,000	.....
St. C. & L. S'n'r	.....	.....	815,500 00	815,500 00	447,500 00	82,000	.....
Super'r & St. C'n	15.60	24.60	734,000 00	14,407,000 00	409,596 70	89,657 18	.....
Wiscon'n Valley	60.00	60.00	491,000 00	491,000 00	2,022,482 79	1,500,000	.....
Total.	2,360.16	4,686.70	411,076,500 00	\$76,689,117 82	\$152,986,835 68	\$76,248,500	\$4,877,500

1 Description of road and miles of road in Wisconsin. 2 Amount of C. & N. W. road reported separately. 3 Not including equipment which was fur-

3 Mil.
from
other
he ran
'that'
not giv

..... primary source. 4 The amount of equipment reported upon the road from first to last. 5 Descriptive of equipment and construction Co. 6 In miles included in report of Milwaukee & St. Paul, and Milwaukee and Northern; 125.77 miles, included in report of Phillips & Colby Construction Co. 7 In miles included in report of Madison and Portage and Oshkosh and Mississippi operated under lease. 8 Not including cost of Mil. & Northern portion of the Central. 9 Total mortgages \$26,908,500. No description of mortgages given. 10 This mortgage covers Lodi branch, not yet constructed. 11 Including a third mortgage, \$6,000.

COST OF RAILROADS—Details from Reports of Companies for the year ending December 31, 1873.

CORPORATIONS.	Right of Way.	Bridging.	Grading.	Iron.	Building.	Engines and Cars.	Other purposes.	Amount by Gross Purchase.	Amount by Construction.
Chicago and N. W....	.....	.....	.....	.....	.....	.....	.....	\$53,417,572 50	\$6,189,585 06
Northwestern Union .....	.....	.....	.....	.....	.....	.....	.....	4	.....
LaCrosse,Trem&Pres .....	.....	.....	.....	.....	.....	.....	.....	4	.....
Milwaukee & St. Paul .....	.....	.....	.....	.....	.....	.....	.....	45,484,314 56	8,340,189 19
Madison & Portage .....	.....	.....	.....	.....	.....	.....	.....	4	.....
Western Union .....	.....	.....	.....	.....	.....	.....	.....	7,000,000 00	905,246 18
Wisconsin Central	\$24,314 36	\$480,680 54	\$1,099,363 46	\$1,821,990 96	\$183,864 48	\$484,985 18	\$1,119,080 42	.....	5,214,230 03
Milwaukee&North'n. ....	.....	.....	.....	.....	.....	.....	.....	4	.....
Green Bay & Minn.. ..	7,000 00	57,705 00	117,480 00	432,811 93	26,960 00	70,260 00	.....	.....	712,216 98
West Wisconsin .....	.....	.....	.....	.....	.....	.....	.....	4	.....
Milwaukee L. S. & W. ....	.....	.....	.....	.....	.....	.....	.....	5	.....
Mineral Point .....	.....	.....	.....	.....	.....	.....	.....	4	.....
Pr. du C. & McGregor	610 00	30,000,00	500 00	20,000 00	.....	.....	.....	.....	51,100 00
Shebogan&F. du Lac .....	.....	.....	.....	.....	.....	.....	.....	.....	2,622,861 11
St.Croix&L.Superior. ....	.....	.....	.....	.....	.....	.....	.....	4	.....
Superior & St. Croix.	1,044 72	6,484 05	12,361 04	.....	.....	.....	* 19,767 37	.....	39,657 18
Wisconsin Valley....	4,378 75	16,488 74	82,882 14	459,689 95	8,918 32	248,123 96	239,481 10	.....	1,059,962 96
	\$31,047 83	\$591,358 33	\$1,312,586 64	\$2,734,492 84	\$219,742 80	\$803,368 77	\$1,378,278 89	\$105,901,887 06	\$25,135,048 64

¹ Ties, \$199,927.89; clearing and grubbing, \$218,383.66; other expenditures, \$710,718.87.

² Including equipment.

³ Ties, \$12,199.90; engineering, \$5,974.18; other expenditures, \$1,593.39.

⁴ No report.

⁵ Construction not completed.

COST OF RAILROADS—Analysis of Reports of Companies for the year ending Dec. 31, 1873.

COMPANIES.	DEBT OF RAILROAD COMPANIES.						Paid Stock Per Mile.	Debt and Paid Stock Per Mile.	Cost of road and Equipment Per Mile.
	Mortgages.		Floating Debt.		Total Debt Per Mile.				
	Total.	Per Mile.	Total.	Per Mile.					
Chicago & Northwestern.....	\$26,700,500	\$13,441 92	\$1,122,549 06	\$565 13	\$14,007 12	\$18,863 93	\$32,871 05	\$32,871 05	\$32,871 05
Northwestern Union	8,500,000	55,292 26	.....	.....	55,292 26	.....	55,292 26	45,874 16	45,874 16
La Crosse, Trempealeau & Prescott..	1,000,000	85,714 29	426,773 63	15,241 91	50,956 20	1,785 71	52,741 91	50,956 20	50,956 20
Milwaukee & St. Paul.....	26,262,500	18,012 69	1,234,007 77	846 36	18,859 05	18,980 62	37,839 67	36,916 67	36,916 67
Madison & Portage ¹ ..	.....	.....	.....	.....	.....	.....	.....	.....	.....
Western Union ..	8,500,000	15,927 19	871,269 27	1,689 50	17,617 69	18,202 50	35,820 19	35,978 82	35,978 82
Wisconsin Central.....	2,124,000	16,967 49	.....	.....	.....	.....	.....	24,929 00	24,929 00
Milwaukee & Northern Isola.....	4,000,000	26,606 66	100,000 00	666 66	27,333 33	4,783 66	32,119 99	32,119 99	32,119 99
.....	7,140,000	33,838 86	.....	.....	33,838 86	.....	33,838 86	33,838 86	33,838 86
Western ..	3,000,000	23,885 35	100,000 00	796 17	24,631 52	7,961 73	32,593 25	29,858 69	29,858 69
.....	323,000	6,274 50	.....	.....	6,274 50	23,529 41	29,803 91	23,529 41	23,529 41
McGregor ..	.....	.....	.....	.....	.....	27,500 00	27,500 00	25,550 00	25,550 00
du Lac ..	1,522,000	19,413 26	187,759 25	2,394 88	21,808 14	16,160 71	37,968 85	33,454 85	33,454 85
Superior.....	32,000	.....	100,000 00	.....	.....	.....	.....	.....	.....
St. Paul ..	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1,500,000	25,000 00	81,482 79	533 87	25,538 87	8,183 33	38,707 20	17,666 06	17,666 06
Total.....	\$80,621,000	.....	\$3,676,886 52	.....	.....	.....	.....	.....	.....

¹ Included in report of Milwaukee and St. Paul Co.² No road.³ Reported cost probably refers to paid stock only.

GROSS EARNINGS OF RAILROADS—Abstract of Reports made by Companies for the year ending December 31, 1873.

Corporations.	Passengers.	Mails.	Express.	Freights.	Other Sources.	Total Receipts.	Total in Wisconsin.	Due Company.
Chicago & Northwestern.	\$3,481,002 48	\$214,576 94	\$252,460 52	\$9,711,259 56	\$157,165 09	\$13,816,464 59	\$2,962,563 18	.....
Northwestern Union.....	18,393 52	.....	1,358 90	48,589 05	2 90	68,344 37	68,344 27	.....
La Cr. Trempe. & Prescott	38,854 82	1,730 88	3,494 44	115,516 90	19 65	159,616 19	159,616 19	.....
Milwaukee & St. Paul...	1,857,196 43	181,049 31	177,347 11	6,421,369 24	409,161 48	9,046,123 57	5,975,044 72	\$546,323 98
Madison & Portage	9,733 40	1,675 00	525 53	18,536 58	46 14	30,516 65	30,516 65	.....
Western Union	200,533 72	9,270 00	12,000 00	895,308 86	20,521 65	1,137,634 28	441,075 93	107,503 40
Wisconsin Central.....	73,439 24	4,432 84	1,499 61	93,892 98	9,193 96	182,458 63	182,458 63	.....
Milwaukee & Northern ..	87,008 81	5,539 59	2,348 80	169,010 32	487 58	264,395 10	264,395 10	20,052 62
Green Bay & Minnesota.	47,434 19	7,500 00	937 26	99,381 30	.....	155,252 75	155,252 75	.....
West Wisconsin	269,989 98	7,864 28	17,372 62	481,963 67	4,429 18	781,619 73	781,619 73	24,966 87
Mil. Lake S. & Western.	40,722 22	.....	1,065 02	48,378 73	104 33	90,270 30	90,270 30	.....
Mineral Point	17,639 44	2,585 24	1,300 00	106,596 65	.....	128,121 33	123,081 29	.....
Pr. du Ch'n & McGregor.	900 00	300 00	400 00	16,200 00	.....	17,700 00	17,700 00	.....
Sheboygan & F. du Lac.	45,232 51	4,803 00	716 96	80,774 80	4,250 00	135,777 28	131,731 80	91,116 93
St. Croix & L. Superior..	.....	.....	.....	.....	.....	.....	.....	.....
Superior & St. Croix .....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin Valley.....	10,950 88	.....	.....	13,800 00	150 00	24,900 88	24,900 88	.....
Total.....	\$6,199,031 64	\$441,226 58	\$472,826 77	\$18,320,578 64	\$665,581 97	\$26,039,195 60	\$11,408,579 42	\$789,963 80

¹ To December 1st, when road was leased to Wisconsin Central. Earnings for December included in the report of the Central.

EXPENDITURES OF RAILROADS—Operating expenses specified in Reports made by Companies for the year ending December 31, 1873.

Companies.	Repairs of Road.	Buildings.	Engines.	Cars.	Fuel.	Wages of Employees.	Salaries of Officers, exceeding \$1,000.	Other Operating Expenses.	Total Specified Operating Expenses.
Chicago and N. W.									140,088 58 99
Northwestern Un'n									29,856 57
La C., Trem & Pres.									66,653 76
Mil. & St. Paul	\$2,317,966 80	\$128,230 15	\$357,738 97	\$590,943 91	\$777,573 95	\$459,515 87	\$458,400 00		4,172,513 58
Madison & Portage	6,042 41	9 79	410 55	483 98	4,561 33	131,125 91			11,508 06
Western Union	214,679 38	15,764 10	85,970 55	101,383 40	108,616 88	422,633 70	13,240 00		526,414 26
Wisconsin Central	25,891 59	1,492 95	3,563 99	4,925 77	14,009 25	42,685 82		\$14,016 08	106,585 25
Milwaukee & Nor.	82,149 08	2,041 45	3,714 94	10,900 40	19,450 90	112,590 17	10,758 93		74,256 78
Green Bay & Minn.	69,576 00	26,643 00	26,960 00	43,300 00	14,292 00	128,773 00	21,170 00		330,714 00
West Wisconsin	120,574 97	25,424 24	50,908 24	87,227 06	69,412 70	336,487 82	17,400 00		353,547 21
Mil., L. S. & West.					5,265 08	25,514 85	4,760 00		53,293 95
Mineral Point	27,949 11	1,440 75	19,116 33		10,586 49	17,084 35	10,125 00		86,802 03
Pr. du Ch. & McG.									
Sheb. & F. du Lac.	24,929 51	4,633 84	11,911 63	8,509 78	13,299 23	30,682 25	4,900 00		96,866 24
St. Croix & L. Sup.									
Superior & St. Croix									
Wisconsin Valley									15,195 32
Total	\$3,845,758 61	\$295,740 27	\$560,295 20	\$847,674 80	\$1,087,087 81	\$4,589,063 54	\$188,753 83	\$14,016 08	\$14,958,243 00

¹ Total for repairs of road, and for buildings, engines, and cars, \$16,733.02.

² Including cars.

³ Included in
⁴ Given as to
⁵ Including

⁶ qualification
⁷ 1,000.

EXPENDITURES OF RAILROADS—For taxes, interest, debt, new construction, dividends and "other purposes," specified in Reports of Companies for year ending December 31, 1873.

CORPORATIONS.	Taxes.	Interest.	Debt.	New Construction.	Dividends.	Other Purposes.	Total.	Total Disbursement.	Less from Cancellations. ¹⁰
Chic. and N. W.	\$343,085 57	\$798,400 74	\$396,180 84	8,175,269 14	\$753,219 96	\$1,527,796 18	\$ 8,522,912 43	\$17,558,449 42	.....
Northwestern Un.	.....	.....	.....	.....	.....	.....	.....	.....	.....
La. Cr. T. & Pres.	3,823 10	100,000 00	.....	.....	.....	.....	103,823 10	29,856 57	.....
Mil. & St. Paul ..	988,690 97	\$1,800,893 85	839,186 95	\$1,081,867 95	878,916 41	2,150,588 99	8,584,640 12	10,737,153 70	\$67,191 92
Madison & Port ..	1,147 25	.....	.....	.....	.....	15,612 15	16,759 40	28,267 46	1,035 49
Western Union ..	30,700 75	\$210,392 52	.....	311 200 76	.....	837,788 72	889,982 75	1,416,397 01	8,147 86
Wisconsin Cent ..	5,477 86	.....	.....	.....	.....	.....	5,477 86	112,063 11	.....
Mil. Northern ..	8,625 21	\$107,320 00	\$33,681 26	.....	.....	80,877 60	234,005 77	808,262 55	.....
G. Bay & Minn. ..	850 00	194,145 60	.....	802,222 00	.....	98,037 00	595,254 00	925,968 00	.....
West Wisconsin ..	23,913 64	\$298,823 73	.....	142,710 31	.....	257,521 80	732,969 48	1,076,516 69	685 50
Mil., L. S. & West	.....	.....	.....	.....	.....	30,910 89	30,910 89	83,203 84	.....
Mineral Point ..	8,600 15	\$33,000 00	.....	.....	.....	8,712 70	44,812 85	180,614 88	.....
Pr. du C. & McGr.	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sheb. & F. du Lac	4,107 12	\$3,280 49	.....	.....	.....	25,809 65	33,197 26	182,063 50	.....
St. Cr. & L. Sup. ..	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sup. & St. Croix ..	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wis. Valley ..	.....	.....	.....	.....	.....	15,036 85	15,036 85	80,231 17	.....
Total	\$702,580 60	\$4,575,156 33	\$1,849,000 75	\$4,962,770 16	\$1,182,186 87	\$4,557,187 53	.....	.....	\$ 77,040 27

- ¹ Rental of leased road
- ² Included in statement of total operating expenses.
- ³ Included in cost of road.
- ⁴ Excluding stock and bonds issued to the Milwaukee Construction Company on account contract, amounting to \$301,000.
- ⁵ On first mortgage bonds.
- ⁶ Interest and discount.
- ⁷ On bonds and loans.
- ⁸ ..
- ⁹ ..
- ¹⁰ ..
- ¹¹ ..
- ¹² ..
- ¹³ ..
- ¹⁴ ..

Losses are included in total in previous note.
It during the year.

GROSS EARNINGS OF RAILROADS AND DISPOSITION OF THE SAME—Deducted from Reports of Companies for the year ending December 31, 1878.

Companies.	Total Receipts.	AMOUNT PAID FOR				Total Expenditures.	Expenditures above Receipts.	Expenditures less than Receipts.
		Specified Operating Expenses.	Taxes.	Interest, Debt, New Constr'n and Divid'nds.	Other Purposes.			
Chicago & Northwestern	\$13,816,464 59	99,033 59	\$342,085 57	\$6,653,020 88	\$1,527,796 18	\$17,556,449 42	\$3,789,984 83	\$38,487 70
Northwestern Union	68,344 27	29,856 57	.....	.....	.....	29,856 57	.....	.....
La Cx. Tremn. & Prescott	159,616 19	66,653 76	8,322 10	100,000 00	.....	169,975 86	10,359 67	.....
1	9,046,123 57	4,172,513 58	283,690 97	4,180,865 16	2,150,583 99	10,737,153 70	1,691,080 13	.....
.....	30,516 65	11,508 06	1,147 25	.....	15,612 15	28,267 46	.....	2,249 19
Western Union	1,137,634 33	526,414 26	80,700 75	531,493 28	837,789 73	1,416,307 01	278,762 78	.....
Wisconsin Central	182,458 68	106,585 25	5,477 86	.....	.....	112,063 11	.....	70,395 52
Milwaukee & Northern	284,395 10	74,256 78	8,625 21	141,002 96	89,377 60	308,262 55	43,867 45	.....
.....	155,252 75	330,714 00	850 00	496,867 00	98,087 00	925,963 00	770,715 25	.....
.....	781,619 78	353,547 21	38,913 64	141,534 04	257,521 80	1,076,516 69	294,896 96	.....
1	90,270 80	52,202 95	.....	.....	30,910 89	83,203 84	.....	7,066 46
.....	128,121 33	86,302 03	3,400 15	32,000 00	8,712 70	130,614 88	2,493 55	.....
.....	17,700 00	.....	.....	17,700 00	.....	17,700 00	.....	.....
.....	185,777 28	98,606 24	4,107 12	3,280 49	25,809 65	132,063 50	.....	8,713 78
.....
.....
.....	24,900 88	15,195 32	.....	.....	15,036 85	90,281 17	5,990 29	.....
Total	\$26,089,195 60	\$14,958,243 00	\$702,580 62	\$12,536,768 61	\$4,557,187 54	\$32,754,738 76	\$6,837,440 91	\$121,912 65

¹ None of this operating expenses.

EARNINGS OF RAILROADS—PER CENTAGE OF EXPENDITURES—For the year ending December 31, 1873.

CORPORATIONS.	PER CENT OF RECEIPTS PAID FOR				Per cent. of total ex- penditures to total receipts.	Per cent. of total receipts to total cost.	Per cent. of total paid for interest, debt, new construction, and dividends to total cost.	Per cent. of interest debt, new construc- tion, dividends and other purposes to total cost.	Per cent. of total in- terest, debt, new construction and dividends to total debt and paid stock.	Per cent. of total interest, debt, new construction, dividends and other pur- poses to total debt and paid stock.
	Specified Operating Expenses.	Taxes.	Interest, Debt, New Con- struction and Divi- dends.	Other Purposes.						
Chicago & Northwestern ..	65.0	2.5	48.0	11.0	126.9	23.0	10.3	12.7	10.3	12.7
North-Western Union.....	44.0	.....	.....	.....	44.0	93.0	.....	.....	.....	.....
La Crosse, Trempe & Presc't	42.0	2.1	63.0	.....	107.0	11.0	07.0	6.7	6.7	6.7
Milwaukee and St. Paul....	46.0	3.1	46.0	24.0	119.1	17.0	07.6	11.6	7.4	11.8
Madison and Portage	38.0	3.7	.....	51.0	93.0	.....	.....	.....	.....	.....
Western Union	46.0	2.7	46.0	30.0	125.0	14.0	4.2	10.9	6.6	10.9
Wisconsin Central	58.0	3.0	.....	.....	61.0	3.0	.....	.....	.....	.....
Milwaukee & Northern	28.0	1.3	53.0	34.0	116.0	3.0	3.3	5.4	3.2	5.3
Green Bay and Minnesota.	213.0	0.005	320.0	63.0	59.6	22.0	70.0	83.6	10.3	12.3
West Wisconsin	45.0	3.0	56.0	33.0	137.0	10.9	06.2	9.8	.....	.....
Mil., Lake Shore & Western.	58.0	.....	.....	33.0	91.0	2.0	.....	.....	.....	0.7
Mineral Point	67.0	2.9	25.0	7.0	102.0	10.0	2.7	3.4	2.1	2.6
Prairie du C. & McGregor..	.....	.....	100.0	.....	.....	34.0	34.6	34.6	2.1	32.1
Sheboygan & Fond du Lac.	73.0	2.9	2.0	19.0	97.0	5.0	0.1	1.1	0.1	0.9
St. Croix & Lake Superior..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Superior & St. Croix.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin Valley	61.0	.....	.....	60.0	121.0	2.0	.....	1.4	.....	0.7

PASSENGERS ON RAILROADS—Abstract of Reports of Companies for the year ending December 31, 1873.

CORPORATION.	Number Through Passengers.	Number Way Passengers.	Total Passengers.	Rate per Mile Through. Cents.	Rate per Mile Way. Cents.	Number of Passengers Killed.	Number of Passengers Injured.	Total Passen- gers Killed and Injured.
Chicago and Northwestern	65,034	2,226,511	2,381,545	3.02	3.21	7	81	88
Northwestern Union ..	5,010	19,911	24,921	3.72	3.95	.....	.....	.....
La Crosse, Trempealeau and Prescott	44,728	6,685	51,413	1.88	4.00	.....	.....	.....
Milwaukee and St. Paul	27,582	932,943	960,525	1	1	13	19	32
Madison and Portage .....	.....	.....	9,876	1	1	1	.....	1
Western Union	2,611	182,457	185,068	.....	.....	.....	8	8
Wisconsin Central .....	.....	.....	45,991½	.....	.....	.....	.....	.....
Milwaukee and Northern	4,934	69,345	74,279	3.5	3.9	.....	.....	.....
Green Bay and Minnesota	226	37,230	37,456	4.0	4.0	.....	.....	.....
West Wisconsin	13,922	108,813	121,335	3.43	4.28	.....	.....	.....
Milwaukee, Lake Shore and Western	6,888½	18,171½	25,060½	4.	4.	1	.....	1
Mineral Point	6,089	11,202	17,291	5.	5.	.....	.....	.....
Prairie du Chien and McGregor	9,000	.....	9,000	5.	.....	.....	.....	.....
Sheboygan and Fond du Lac	37	62,212	62,249	3.15	3.95	.....	.....	.....
St Croix and Lake Superior .....	.....	.....	.....	.....	.....	.....	.....	.....
Superior and St. Croix .....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin Valley	381	6,648	7,029	4.5	5.	.....	.....	.....
Total	185,542½	3,721,628½	3,963,039	.....	.....	22	53	75

1 Report says: "Will furnish figures as soon as they can be arrived at."
2 Average of through and way passenger rates 3.91 cents.

3 Average of through and way passenger rates 4 cents.
4 To December 1st.

CAUSE OF DEATH AND INJURY TO PASSENGERS, EMPLOYEES AND OTHERS ON WISCONSIN ROADS, FOR YEAR ENDING DECEMBER 31, 1873.

CORPORATION.	Lying on track.	Getting on and off train.	Crossing track.	Falling off.	Coupling cars.	Trains running off track.	Walking on track.	Other causes.	Grand total.	EMPLOYEES.		
										Killed.	Injured.	Total.
Chicago and Northwestern	8	1	2	11	4	26	...	5	52	4	10	14
Northwestern Union.....
La Crosse, Trempealeau and Prescott
Milwaukee and St. Paul.....	7	17	2	1	10	3	2	2	44	3	9	12
Madison and Portage	1	1	...	...	...
Western Union	7	3	...	...	10	2	5	7
Wisconsin Central	1	...	1	...	...	...	1	3	...	3	3
Milwaukee and Northern
Green Bay and Minnesota	2	...	...	...	...	2	1	1	2
West Wisconsin	9	9	3	6	9
Milwaukee, Lake Shore and Western	1	...	1	...	...	...
Mineral Point
Prairie du Chien and McGregor
Sheboygan and Fond du Lac	2	...	...	1	3	1	2	3
St. Croix and Lake Superior
Superior and St. Croix	1	...	...	...	...	...	...	...	...	...	...
Wisconsin Valley.....	1	1	...	1
Totals.....	10	20	4	15	23	32	3	19	126	15	36	51

FRIGHTS OF RAILROADS IN TONS'—Abstract of Reports of Companies for the year ending December 31, 1873.

COMPANIES.	Lumber.	Wheat.	Oats, Rye and Barley.	Corn.	Flour.	Farm Implements.	Lead.	Iron.
Chicago and Northwestern ¹	219,617	452,006	79,418	140,343	91,323	71,430		508,883
Northwestern Union ²								
La Crosse, Trempe and Prescott ³	275,018	717,182	15,294	6,580	137,855	15,264	8,336	34,087
Milwaukee and St. Paul	659	7,209	92	124	32	114		
Madison and Portage								
Western Union	40,285	181,543½	19,619½	25,552	4,287	7,489		1,287
Wisconsin Central	19,875	8,408	387	649	2,283	87		394
Milwaukee and Northern	24,089½	16,218	471	936½	9,146	428	5½	457
Green Bay and Minnesota	10,962	8,875½	1,681	1,218¾	1,442½	85½	18½	1,829½
West Wisconsin	26,503	41,074¾	502	1,388½	28,864¾	1,588½	3½	625¾
Mil., Lake Shore and Western	9,086½	1,564	191½	303½	558			
Mineral Point	4,246	10,704	8,397	19	776	444	986	13,707
Prairie du Chien and McGregor	4108,000							
Sheboygan and Fond du Lac	17,996	8,597	1,080	494¾	2,891½	557¾		
St. Croix and Lake Superior								
Superior and St. Croix								
Wisconsin Valley	1,346							
Total	757,684	1,878,377	127,083	179,510	279,458	97,488	4,385	556,259½

¹ Included in report of Chicago and Northwestern.² Including freight of all descriptions.³ Ore.⁴ Salt, lime and cement, 1,712 tons 300 lbs.

Freights of Railroads—continued.

CORPORATION.	Coal.	Merchandise.	Miscellaneous.	Total Tons Freight.	LIVE STOCK.	
					No. of Horses and Cattle.	No. of Hogs and Sheep.
Chicago and Northwestern	100,556	415,810	463,592	2,518,075	197,210	819,235
Northwestern Union .....	.....	.....	.....	.....	.....	.....
La Crosse, Trempealeau and Prescott .....	.....	.....	.....	.....	.....	.....
Milwaukee and St. Paul	54,960	156,548	329,827	1,747,881	26,541	238,429
Madison and Portage	2	186	1,638	10,056	299	1,640
Western Union	38,915	15,531 ³ / ₄	65,441	344,901	6,981	159,860
Wisconsin Central	289	6,418	7,388	41,124	226	428
Milwaukee and Northern	1,110	12,316	16,056 ¹ / ₂	81,235	1,018 ³ / ₄	191
Green Bay and Minnesota	8,357	6,743 ¹ / ₂	5,312 ³ / ₄	45,472	1,261 ¹ / ₂	271 ¹ / ₂
West Wisconsin	3,497 ¹ / ₄	34,107	42,024	180,092	261	559
Milwaukee, Lake Shore and Western	406 ¹ / ₂	7,757 ¹ / ₂	4,458 ³ / ₄	24,328	169	125
Mineral Point	3,092	5,721	11,961	60,053	5,701	47,459
Prairie du Chien and McGregor .....	.....	.....	.....	108,000	.....	.....
Sheboygan and Fond du Lac	3,607	7,392	16,571	.....	608	441
St. Croix and Lake Superior .....	.....	.....	.....	59,188	.....	.....
Superior and St. Croix .....	.....	.....	.....	.....	.....	.....
Wisconsin Valley .....	.....	991 ¹ / ₂	214 ³ / ₄	2,553	.....	.....
	209,792 ¹ / ₄	669,523 ¹ / ₄	964,486	5,223,948	237,996	1,268,176

¹ Tons not included in footing.

² Includes all roads operated by Chicago and Northwestern, except Winona and St. Peter.

CASH VALUATION AND COST OF RAILROADS.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY—PRESENT CASH VALUATION.

MILWAUKEE, Dec. 26, 1874.

To JOS. H. OSBORN, GEO. H. PAUL, JOHN W. HOYT, *Railroad Commissioners*:

Your circular of September 28, 1874, asking this company "to procure and submit to the Board a detailed estimate of the actual present value of the road or roads, and each branch or division thereof, if branches or divisions exist, under their control in this state," was received in due time.

The actual present value of a railroad is a matter somewhat difficult to determine—resting largely in opinion, and susceptible of several different answers. One answer might be what it did actually cost; but your circular excludes this construction of your question, for you say: "such an estimate to be made regardless of original cost or capital, or debt incurred therefor."

Another answer might be based on the income now derived from its operation. And still another, on the basis of what it might earn or be capable of earning in the future, when the country is more fully developed; that is, its prospective value. But as we understand your circular, it is neither of these values you desire. The word *present* value appears to exclude the idea that you were inquiring for an estimate of the value of the road based on its prospective earnings; and as the present value, as based on its income, would depend largely upon the price it might charge for the business transacted, and the state now denies the company the right to fix such charges, we conclude you are not asking for the present value of the road on any such basis.

In your circular you say you desire us "to specify separately the present estimated cash value of the real estate, right of way, grading and masonry, bridges, superstructures, station and other buildings, engines and cars, and every other sort of equipment and property belonging to each of said roads, and essential to their operation, respectively, as aforesaid."

From this statement, it appears clear to us that what you desire us to report is, what it would now cost to produce these improvements in cash, within a reasonable time prior to the first day of January, A. D. 1874. Adopting this as a proper construction, we have caused an estimate of the property of this company in this state, to be made on this basis, which is herewith submitted to your board.

In your circular, you further request that "such estimate be so made as to include a statement of the source of information, as far as may be, upon which the estimate in each case is based; whether upon actual observation by officers, or upon special surveys and calculations by engineers or others

having practical experience in the construction of the road or branches described."

In order that your requirements might be fully and satisfactorily answered, this company concluded, instead of having such estimates made by any of its officers, to appoint three civil engineers of acknowledged capacity and ability, well known throughout the state, and of unquestioned integrity and honesty, to make and prepare such estimates. The parties so selected were, Benjamin H. Edgerton, Wm. R. Sill and J. T. Dodge. These gentlemen have each an experience of over twenty years as civil engineers, and it would be difficult to select any three engineers in the northwest of greater experience in the construction of railroads, and none of equal experience in building such roads in this state. Not only so, but they were all engaged in constructing the roads of this company in this state, and, as engineers, had the actual charge and control of building the greater portion of them, and of their subsequent operation for several years. None of the gentlemen are now in the employ of this company, and two of them have not been for several years past. In addition to their knowledge of the construction and operation while employed thereon as above stated, they have, since their appointment, made a thorough examination of the property, and, as they say in their report, "an inspection of nearly every building on all your lines."

We are therefore confident that their report is correct; and their estimate of the present actual value of the property of the company in this state, entitled to credit, on the basis on which it is made, and we adopt it as a correct estimate on the basis assumed by them, as appears from this report.

Permit us, however to state, that no road was ever constructed, in the northwest, at least, if anywhere, on the financial basis there assumed. Their assumption is, that the company, on the 1st day of January, 1872, had at their command, on call, \$28,850,820, which they were to proceed to expend in the most advantageous and judicious manner in constructing a road, and that if it had all been so expended during the years 1872 and 1873, it would have been sufficient to have constructed a road equal to the road of this company in this state.

It is not necessary to inform you that no such happy financial condition ever belonged to any Wisconsin railway company, at any stage of its existence; much less at its inception or during the progress of its construction, and we do not believe that any railroad in this country ever enjoyed any such state of felicity financially. On the contrary, it is well known that all roads in this state and in the northwest generally have been built from a treasury substantially empty of money, and supplied only with stock and bonds, and, as has been too often the case, these, even, hypothecated to secure the individual note or endorsement of the directors given in payment for iron rails or other materials necessary in the construction of the road.

It is a part of the history of our state, that the roads we have, were constructed in this manner and with such means only, and except in this way, roads here have not been built.

Our experience in this regard is not different from our sister states. Our

people have not the means to build our roads, and strangers will not build them for us. They will only furnish the money in the manner that it has hitherto been furnished—on securities at a greater or less discount, according to circumstances. We are therefore compelled to recognize the fact that *discount on securities*, the expense of negotiation, interest at exorbitant rates, exchange and commission, and numerous other expenses are necessary incidents in this country to the construction of railways, and form a large part of the cost of all roads, and must be considered a part thereof. In our judgment, not less than twenty (20) per cent. of the cost of all roads in this state, exclusive of interests on the investments during the period of construction, is chargeable to this account, and we believe the same to be true of the west generally, and that it is a legitimate part of such cost.

Respectfully, etc.,

S. S. MERRILL,

Gen. Manager C., M. & St. P. Ry. Co.

MESSRS. EDGERTON, SILL AND DODGE TO GEN. MANAGER MERRILL.

MILWAUKEE, Dec. 23, 1874.

S. S. MERRILL, Esq., *Gen. Manager*:

SIR:—In submitting to you for the use of the Railroad Commissioners an estimate of the value of those parts of the Chicago, Milwaukee and St. Paul Railway in the state of Wisconsin on the first day of January, 1874, the undersigned desire to state the basis on which their estimate has been made.

Although the blank furnished by the Commissioners is headed "Present Cash Value," the circular accompanying the same appears to contemplate an estimate of what it would have cost in cash to build your lines if done within a recent period. In this view we have considered the question, what at that time would have been the cost of constructing your lines on the supposition that they had been then recently completed and rendered as permanent, substantial and well equipped, in every respect, as they then were.

As no railway can be built in a day, but every road requires a considerable time, according to the amount of work to be accomplished, we have assumed two years to be the shortest reasonable time to construct and put in operation, the whole length of 670 miles. The prices of labor and material have been taken at about the average of 1872 and 1873, no allowance being made for a probable increase of wages due to so large an amount of work. The price of labor for the period named is believed to have been about $1\frac{4}{5}$ the price of the same from 1851 to 1857, when the principal lines were constructed.

In estimating the cost of the iron, we think we have made it a fair average of the cost of the same in 1872 and 1873. In estimating the cost of right of way and depot grounds we have supposed that real estate stood at the same price without your roads as it has borne with them, but we have not supposed a local feeling hostile to their construction.

As to grading and masonry, we have taken account of some work done since the first opening of the lines, such as the sink-holes which, in several

instances, have cost large amounts of money; the labor expended in widening cuts and widening and raising embankments; the substitution of embankments for pile and trestle bridges; some pieces of masonry which have been substituted for wooden structures, or for masonry of unsuitable character; rip-rap used to protect embankments and bridges, and the amount of ballasting which is now much greater than when the lines were first put in operation; all of which did not properly form a part of the operating expenses, but are additional to the first cost and value of the roads.

We also made an inspection of nearly every building on all your lines, and found a much larger aggregate than we had anticipated, especially at the principal termini.

The aggregate of all items, at which we have arrived, will not surprise those familiar with railway construction, but we are aware that it is liable to be doubted by some others. For this reason we submit herewith the details of our estimate, made from an extensive personal knowledge of the original construction, and from all existing records of the work.

In making our estimate of the salaries of officers and agents essential during construction in the assumed period of two years, we have gone somewhat beyond the proper sphere of our profession, but have done so in order to complete the estimate according to the plan indicated by the Railroad Commissioners.

Having based our estimate upon cash, we have not included the cost of raising money, the discounts on securities, and the interest on expenditures during construction. Neither have we included the cost of organization, charter expenses, advertising, publication of notices required by law, recording fees, etc. These latter vary greatly in different cases. Our estimate of the value of your road in the state of Wisconsin on the first day of January, 1874, on the above basis, amounts to \$28,850,820, as will appear from the schedules herewith submitted.

It will be suggested that certain parts of the property are depreciated either by wear or decay. We have considered this subject with reference to all those items which are liable to depreciation, and we estimate the depreciation as follows:

Bridging	\$307,000
Ties, track and ballasting	1,756,000
Buildings and fences	1,060,000
Rolling stock	840,000
Amount	<u>\$3,963,000</u>

Making the aggregate present cash value to be \$24,887,820, which is equal to \$37,146 per mile of main track, or \$32,490 per mile of main and side track.

Herewith are the estimates of each line separately, marked consecutively from A² to H². The schedules accompanying the same are marked consecutively A to H.

(Signed) Yours respectfully,

B. H. EDGERTON,
W. R. SILL,
J. T. DODGE,
Civil Engineers.

CONSTRUCTION OF MILWAUKEE AND LA CROSSE LINE,
VIA WATERTOWN.

Main track—Milwaukee to La Crosse	196.0 Miles.
North La Crosse to River	1.3 Miles.
Side tracks	35.83 Miles.
Total	233.13 Miles.

Right of way, as per accompanying schedule	\$342,000	.....
Land for depots, stations, etc., as per schedule	1,154,550	.....
Total cash valuation of all lands purchased.....		\$1,496,550
Grading, as per schedule	\$1,631,100	.....
Masonry, as per schedule.....	476,580	.....
Bridging, as per schedule; [No. iron bridges, 1] }		
Total cash valuation of substructures		2,107,680
Ties	\$307,732	.....
Iron rails: [No. miles, 156.63; lbs. wt. per yd., 60].	1,180,990	.....
Steel rails: [No. miles, 76.50; lbs. wt. per yd., 59].	886,482	.....
Chairs, spikes, fish-bars, etc., as per schedule..	184,693	.....
Laying track and ballasting	326,340	.....
Total cash valuation of superstructures.....		2,286,237
Passenger stations and fixtures, as per schedule }	\$221,500	.....
Freight stations and fixtures, as per schedule.. }		
Engine and car shops, as per schedule.... }	131,700	.....
Machine shops, as per schedule..... }		
Machinery and fixtures, as per schedule .. }	110,100	.....
Engine houses, as per schedule		
Turn tables, as per schedule.	9,400	.....
Wood sheds and water stations, and miscellaneous,	99,200	.....
as per schedule.		
Fencing	144,000	.....
Elevators, as per schedule.....	512,500	.....
Total cash valuation of buildings of every sort,		1,228,400
fencing, etc.....		
Engineering expenses before and during const'n...	\$162,500	.....
Salaries of officers and ag'ts essential dur'g const'n	46,300	.....
Total cost of engineering and official manage-		208,800
ment during construction.. ..		
Total cash value of line unequipped		\$7,927,667
* TOTAL EQUIPMENT OF CHI., MIL. & ST. P. R'Y.		
Locomotives, as per schedule: [No., 199].....	\$2,388,000	.....
Snow plows on wheels, as per schedule, 5 on en-		
gines, 3 on cars—[No. 8].....		\$6,100
Sleeping cars: [No., 11].....	110,000	.....
Passenger cars, 1st class: [No., 64].....	384,000	.....
Passenger cars, 2d class: [No., 32].....	128,000	.....
Baggage and express cars: [No., 49].	122,500	.....
Mail cars, postal: [No., 8]	82,000	.....
Boarding cars: [No., 2].....	2,000	.....
Freight cars, closed: [No., 3,007].....	2,405,600	.....
Platform cars; [No., 671]	436,150	.....
		*4,145,692
	\$6,008,250	.....
Machinery and tools to accompany trains, \$33,530;		
section tools, cars, and materials in general office	\$101,580	.....
Telegraph, \$43,120; supplies on hand, \$312,000....	355,120	.....
		456,670
Total cash valuation of equipment.....		\$4,608,462

* Rolling stock is apportioned to Wisconsin according to gross earnings of 1873, as stated in report to stockholders, pro rating receipts of Chicago division. The earnings in Wisconsin so determined are 69-100 of the total earnings.
Two railroad crossings, \$800, included in above estimate.]

Line from Milwaukee to La Crosse.

SCHEDULE 1.—*Right of Way.*

190 miles through unplatted lands at \$1,800.....	<u>\$342,000</u>
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SCHEDULE 2.—*Depot Grounds.*

La Crosse	\$60,000
W. Salem.....	\$5,000
Bangor.....	10,000
	<u>15,000</u>
Tomah	\$5,000
Lisbon	5,000	.....
	<u>10,000</u>	.....
Mauston.....	\$2,000	.....
Kilbourn	5,000	.....
	<u>\$7,000</u>	.....
Portage	\$10,000	.....
Columbus	10,000	.....
	<u>20,000</u>	.....
Watertown	\$15,000	.....
Oconomowoc	10,000	.....
	<u>25,000</u>	.....
Hartland ...	\$5,000	.....
Pewaukee	1,000	.....
	<u>6,000</u>	.....
		<u>\$143,000</u>

South Milwaukee.

650 feet block 158, at \$175 per foot	\$118,750	.....
1,550 feet blocks 155, 4, 9, 45 and 33, at \$150.....	232,500	.....
1,130 feet blocks 46, 48, 156 and 167, at \$80	90,400	.....
1,050 feet blocks 4, 47 and part of 157, at \$80.....	84,000	.....
550 feet on Reed street, at \$150	82,500	.....
9 lots in block 12, including buildings.....	45,000	.....
18½ lots in blocks 13, 14, 15, at \$37,500, \$30,000 \$27,500.....	95,000	.....
5 lots in block 142.....	10,000	.....
From block 142 to Canal	\$17,000	.....
Canal to cattle yards	10,000	.....
	<u>27,000</u>	.....
In block 11.....	7,000	.....
In block 16, 2½ lots.....	17,500	.....
In block 39, 3 lots.....	6,000	.....
In blocks 40, 41, 5 lots	12,500	.....
In blocks 40, 41, 44, 700 feet front, at \$50	85,000	.....
In blocks 42, 43, 700 feet front	85,000	.....
In blocks 51, 52, 18 lots.....	9,000	.....
In block 50, 800 feet front, at \$50.....	15,000	.....
Land at cattle yard.....	42,000	.....
12 acres gravel pit.....	12,000	.....
Farm lot for procuring earth	89,000	.....
14 acres for procuring earth, 6 miles west of Mil ..	1,400	.....
Amount	<u>\$1,154,550</u>	.....

SCHEDULE 3 —*Grading.*

South Milwaukee to Brookfield, 13 miles, 680,000 yards, at 30c..	\$204,000
Extra for 60,000 yards hard pan, at 50c	30,000
Brookfield to Portage, 78 miles, 1,950,000 yards, at 30c.....	585,000
Extra for hard pan and rock, 307,500 yards at 25c	76,900
Portage to Kilbourn City, 17 miles, 391,000 yards, at 30c.....	117,800
Extra for 15,000 yards rock, at 70c	10,500
Kilbourn City to La Crosse, 87 miles, 1,740,000 yards at 26c.....	<u>452,400</u>

SCHEDULES 4 and 5—Masonry and Bridging.

1,200 yards masonry, @15.....	\$18,000 00	.....
8,120 yards masonry, @10.....	31,200 00	.....
	<u> </u>	\$49,200 00
190 feet truss bridge, @\$12—\$2,280; 80 feet @ \$20—\$1,600.....	\$3,880 00	.....
10,800 feet temp'y pile bridge, @\$3.00.....	32,400 00	.....
8,200 feet temp'y pile bridge, @ \$6.00.....	19,200 00	.....
	<u> </u>	55,480 00
1,800 feet temp'y pile bridge, at La Crosse.....		10,000 00
1,200 feet Rock River bridges, @\$20.00	20,440 00	.....
Kilbourn City bridge	55,000 00	.....
Draw bridge, Milwaukee, \$11,000; draw bridge, Portage, \$3,500	14,500 00	.....
	<u> </u>	89,900 00
Masonry and bridging N. La Crosse to Miss. river..	.....	77,000 00
Culvert masonry, pile frame and timber culverts, road bridges, pile abutments, plank boxes and and drains, cattle guards, highway crossings, road signs and whistling posts.....		195,000 00
		<u> </u>
		<u>\$476,580 00</u>

SCHEDULE 9.

2,331 ms. spikes, F bars and bolts, @\$643.....	\$149,883 00
Extra cost of side tracks, 35, 8ms, @\$950	34,010 00
2 R. R. crossings.....	800 00
	<u> </u>
Amount	<u>\$184,693 00</u>

Estimated cost of superstructure of one mile of main track.

94¼ tons iron rails, 60 lb per yard de- livered	\$80 00	\$7,540 00	.....
6,200 lb spikes, @5c	310 00		.....
6,240 lb fish bars, @\$3.85.....	239 40		.....
1,560 bolts, @6c.....	93 60	643 00	.....
	<u> </u>		
2,640 oak ties, 8 feet, 6x8 delivered.....		1,320 00	.....
To laying and surfacing at S. G., loading and unloading		400 00	.....
		<u> </u>	\$9,903
Ballasting and final surfacing.....			1,000
			<u> </u>
			<u>\$10,903</u>

One Mile Side Track.

Rails, spikes, suplies, ties and laying.....	\$9,903 00	.....
Ballasting per mile.....	600 00	.....
9 switches, \$150 each.....	1,350 00	.....
	<u> </u>	\$11,853
Cost of side track over main track.....	\$950 00	.....
Add for contingent waste and loss.		

South Milwaukee to La Crosse.

SCHEDULES 11 & 12. 16. 18. 19. 18,14,15.

STATIONS.			Engine Houses.	Turn Tables.	Wood and w't'r	Shops.	Misc.	Elevators.
Milwaukee .	fr't.	16,000	84,000	1,600	1,500	5,000	¹ 800	.....
	fr't.	5,000	1,100	.....	.....	500	² 5,000	.....
	.....	3,000	.....	.....	.....	500	³ 500	.....
	.....	8,000	.....	.....	.....	.....	.....	.....
	pass.	16,000	.....	.....	.....	.....	⁴ 500	.....
	telegr.	1,000	.....	.....	.....	.....	⁵ 200	.....
	bagg.	6,000	.....	.....	.....	.....	1,500	.....
	.....	⁶ 3,000	.....	.....	.....	.....	4,200	⁷ 861,000
	c yds	15,000	.....	.....	.....	.....	.....	⁸ 71,500
	.....	73,000	85,100	.....	.....	6,000	12,200	.....
Brookfield .	30x60	2,000	.....	.....	2,000	.....	.....	.....
Pewaukee ..	.....	2,000	.....	.....	3,600	.....	.....	.....
Hartland ...	.....	2,500	.....	.....	.....	.....	.....	.....
Nashota....	.....	2,000	.....	.....	.....	.....	.....	.....
Ocon'mow'c	.....	4,000	.....	.....	500	.....	.....	.....
Watertown..	.....	5,000	.....	.....	5,000	.....	.....	.....
Wat. Junc .	.....	.....	.....	.....	1,500	300	{ 4,000	5,000
	.....	1,000	4,000	1,600	.....	200	{ 3,000	.....
	.....	300	.....	.....	.....	15,000	⁹ 100	.....
	.....	.....	.....	.....	.....	.....	2,500	.....
	.....	.....	.....	.....	.....	.....	200	.....
	.....	.....	.....	.....	6,000	8,000	500	.....
	.....	.....	.....	.....	.....	9,000	.....	.....
	.....	.....	.....	.....	.....	200	.....	.....
	.....	.....	.....	.....	.....	60,000	300	.....
	.....	.....	.....	.....	.....	2,000	.....	.....
Lowell .....	.....	.....	.....	.....	.....	4,000	.....	.....
	.....	.....	.....	.....	.....	1,000	¹⁰ 2,000	.....
	.....	2,500	.....	.....	.....	.....	.....	.....
	.....	1,500	.....	.....	.....	.....	.....	.....
	.....	5,000	.....	.....	5,000	.....	.....	.....
	.....	2,500	.....	.....	.....	.....	.....	.....
	.....	2,500	.....	.....	3,000	.....	.....	.....
	.....	2,500	.....	.....	.....	.....	.....	.....
	.....	3,500	.....	.....	3,500	.....	.....	.....
	.....	4,000	.....	.....	5,000	8,000	1,500	5,000
Portage ...	.....	1,200	.....	.....	.....	1,500	2,000	.....
	.....	.....	.....	.....	.....	.....	500	.....
	.....	.....	.....	.....	.....	.....	300	.....
	.....	20,000	40,000	1,600	1,000	1,000	500	.....
	.....	.....	.....	.....	.....	.....	500	.....
	.....	4,000	.....	.....	.....	.....	.....	.....
	.....	2,500	.....	.....	6,000	.....	.....	.....
	.....	3,000	.....	.....	.....	.....	.....	.....
	.....	2,000	.....	.....	.....	.....	.....	.....
	.....	2,000	.....	.....	1,500	.....	.....	.....
Lisbon ....	.....	3,500	2,000	1,600	1,000	8,000	.....	.....
	.....	.....	.....	.....	2,000		.....	.....
	.....	1,000	.....	.....	.....	.....	.....	.....
	.....	1,500	.....	.....	.....	.....	.....	.....
	.....	500	.....	.....	.....	.....	.....	.....
	.....	3,500	.....	.....	.....	.....	.....	.....

¹ Sand. ² Oil. ³ Watch houses. ⁴ Section men. ⁵ Furniture. ⁶ Elevator "E."
⁷ Elevator "A." ⁸ Ash pit. ⁹ Track scale.

South Milwaukee to La Crosse—continued.

SCHEDULES 11 & 12. 16. 18. 19. 13, 14, 15.

STATIONS.			Engine Houses.	Turn Tables.	Wood and w't'r	Shops.	Misc.	Elevators.
Greenfield	2,000				3,000			
La Fayette.	1,000							
Sparta	3,000				1,000			
	2,500				5,000			
Herseyville	1,000							
Fish Creek.	1,000							
Bangor	2,000				2,000			
W. Salem	3,000							
Win. Jc. 1/2. value.	1,500							
La Crosse.	5,000	25,000	3,000	1,500	12,500	2,000	70,000	
¹	10,000	4,000		3,500				
	¹ 6,000					² 3,000		
	² 3,000							
Totals	221,500	110,100	9,400	64,100	131,700	35,100	512,500	

¹ Furniture, twenty-eight stations. ² Twenty-five cattle yards. ³ Hand car houses.

CONSTRUCTION OF WATERTOWN AND MADISON LINE,

Main track	37.0 Miles.
Side track	1.83 Miles.
Total	38.83 Miles.

Right of way, as per accompanying Schedule	\$87,500	
Land for Depot, Stations, etc., as per schedule	40,000	
Total cash valuation of all lands purchased		\$127,500
Grading, as per schedule	336,700	
Masonry, as per schedule.	56,000	
Bridging, as per schedule.		
Total cash valuation substructure.		392,700
Ties 38.83 Miles.	51,255	
Iron rails, . . [No. miles, 38.83; lbs. wt. per yd. 60].	292,778	
Chairs, spikes, fish-bar, etc	27,478	
Laying track \$400, ballasting \$1,000.	54,362	
Total cash valuation of superstructure.		425,873
Passengers stations and fixtures, as per schedule }	14,700	
Freight stations and fixtures, as schedule.		
Wood sheds and water stations and miscellaneous, as per schedule; [No., 2]	4,800	
Fencing; [No., miles, 38]	28,800	
Total cash valuation of buildings of every sort fencing, etc.		48,300
Engineering expenses before and during construction	29,600	
Salaries of officers and agents essential during construction	6,100	
Total cost of engineering and official management during construction.		35,700
Total cash value of line unequipped.		\$1,030,073

Two Railroad Crossing in Madison Depot Grounds.

Line from Watertown to Madison.

SCHEDULE 1.—Right of Way.

85 miles through unplatted land	<u>\$87,500</u>
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SCHEDULE 2.—Depot Grounds.

Waterloo	\$10,000
Madison	80,000
	<u> </u>	<u>\$40,000</u>

SCHEDULE 3.—Grading.

962,000 yards earth, 35 cents	<u>\$336,700</u>
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SCHEDULE 4.—Masonry and Bridging.

Culverts, bridges, road crossings and signs, cattle guards, etc....	<u>\$56,000</u>
---------------------------------------------------------------------	-----------------

SCHEDULE 9.

Spikes, bolts, etc., 38.83 miles, \$648	\$24 , 968	.....
1.8 miles side track, extra for switches	1,710	.....
2 railroad crossings, in-side track, Madison	800	.....
	<u> </u>	<u>\$27,478</u>

SCHEDULE 12.—Stations.

Hubbleton	\$2,000	.....
Waterloo	1,500	.....
Marshall	1,500	.....
Deansville	2,500	.....
	<u> </u>	<u>\$7,500</u>
Sun Prairie	\$3,000	.....
East Madison	2,700	.....
Cattle yards	800	.....
Furniture	1,200	.....
	<u> </u>	<u>7,200</u>
		<u>\$14,700</u>

SCHEDULE 19.—Water Stations and Wood Sheds.

Waterloo	\$1,500	.....
Sun Prairie	3,100	.....
	<u> </u>	<u>\$4,600</u>
Miscellaneous		200
		<u>\$4,800</u>

CONSTRUCTION OF MILWAUKEE AND PORTAGE LINE.

VIA HORICON.

Main track—Milwaukee to Portage	98.0 Miles.
Milwaukee to Schwarzburg	6.3 Miles.
Side tracks	14.2 Miles.
Total	<u>118.5 Miles.</u>

Right of way, as per accompanying schedule	\$257,500	.....
Land for depots, stations, etc., as per schedule	286,500	.....
Total cash valuation of all lands purchased		\$544,000
Grading, as per schedule	\$1,073,800	.....
Masonry, as per schedule	136,150	.....
Bridging, as per schedule: [No. iron bridges, 1] }		
Total cash valuation of substructure		1,209,950
Ties: 118.5 miles	156,420	.....
Iron rails: [No. miles, 118.5; lbs. wt. per yard, 60]	893,490	.....
Chairs, spikes, fish-bars, etc., schedule * 9	90,885	.....
Laying track, \$400; ballasting, \$1,000	165,900	.....
Total cash valuation of superstructure		1,306,695
Passenger stations and fixtures, as per schedule . }	102,400	.....
Freight stations and fixtures, as per schedule		
Engine and car shops, as per schedule	249,100	.....
Machine shops, as per schedule		
Machinery and fixtures, as per schedule	85,000	.....
Engine houses, as per schedule		
Turn tables, as per schedule	3,600	.....
Wood sheds and water stations, and miscellaneous, as per schedule	61,000	.....
Fencing	80,000	.....
Elevators, as per schedule	93,000	.....
Total cash valuation of buildings of every sort, fencing, etc.		624,100
Engineering expenses before and during construction	83,200	.....
Salaries of officers and agents essential during construction	22,100	.....
Total cost of engineering and official management during construction		105,300
Incidental expenses .....		.....
Total cash value of line unequipped		\$3,790,045

* Three railroad crossings.

South Milwaukee to Portage (via Horicon), 98 miles, and North Milwaukee to Schwarzburg, 6.3 miles.

SCHEDULE 1. *Right of Way.*

108 miles through unplatted lands \$257,500

SCHEDULE 2. *Depot Grounds.*

NORTH MILWAUKEE.

29 lots in blocks 30, 33, 40 and 41, at \$6,000.....	\$174,000	.....
5 lots in block 30, \$12,500, 5 lots in block 21, \$9,500	20,000	.....
8 lots in blocks 1 and 13, at \$500	4,000	.....
Part of blocks 38, 47 and 48, at \$2,500, 1,750 × 100 ft., \$8,000	10,500	.....
14 acres shop grounds.....	28,000	.....
Hartford	\$25,000	.....
Rubicon	5,000	.....
Horicon	10,000	.....
	40,000	.....
Beaver Dam ..	\$5,000	.....
Randolph	5,000	.....
	10,000	.....
	<u>\$286,500</u>	

SCHEDULE 3. *Grading.*

North Milwaukee to Horicon, 1,530,000 yards at 33c	\$504,900	.....
Extra for 800,000 yards hard pan, at 50c	150,000	.....
Horicon to Portage, 990,000 yards, at 30c	297,000	.....
Extra for 100,000 yards rock material.....	30,000	.....
South Milwaukee to Schwarzburg, 273,000 yards earth, at 30c	81,900	.....
5,000 yards rip-rap, Milwaukee to Portage.....	10,000	.....
	<u>\$1,073,800</u>	

SCHEDULES 4 AND 5. *Masonry and Bridging.*

Masonry and foundations.....	\$42,750	.....
Bridging	24,800	.....
Stone and wood culverts, pile abutments, road bridges, cattle guards, highway crossings, road mile posts, etc	68,600	.....
	<u>\$136,150</u>	

SCHEDULE 9. *Chairs, Spikes, Fish Bars and Switches.*

118.5 miles chair spikes, etc., at \$643 per mile	\$76,195
Extra cost of switches for 142 miles side track, at \$950.....	13,490
3 railroad crossings	1,200
	<u>\$90,885</u>

Line from Milwaukee to Portage, via Horicon.

SCHEDULES		11 & 12	16	18	19	14 & 15	21
STATIONS.		Engine Houses.	Turn- tables.	Fuel and Water Stations.	Shops.	Miscel- laneous.	Eleva- tors.
North Milwaukee ...	\$12,000	.....	.....	\$1,200	\$1,500	\$2,000	\$90,000
	2,000	.....	.....	.....	120,000	600	.....
	7,000	.....	.....	5,000	40,000	1,000	2,000
	3,500	.....	.....	.....	6,000	5,000	.....
	12,000	.....	.....	1,500	3,000	500	.....
	4,000	.....	.....	.....	5,000	6,000	.....
	4,000	.....	.....	.....	1,200	2,000	.....
	10,000	.....	.....	.....	20,000	500	.....
	8,000	\$24,000	\$2,000	.....	1,500	500	.....
	.....	.....	.....	.....	100	500	.....
	.....	.....	.....	.....	400	.....	.....
	.....	.....	.....	.....	200	.....	.....
	.....	.....	.....	.....	500	.....	.....
	.....	.....	.....	.....	100	.....	.....
	.....	.....	.....	.....	3,000	.....	.....
	.....	.....	.....	.....	1,500	.....	.....
	.....	.....	.....	.....	200	.....	.....
	.....	.....	.....	.....	2,500	.....	.....
	.....	.....	.....	.....	3,000	.....	.....
	.....	.....	.....	.....	2,600	.....	.....
	.....	.....	.....	.....	20,000	.....	.....
	.....	.....	.....	.....	1,200	.....	.....
	.....	.....	.....	.....	8,000	.....	.....
	.....	.....	.....	.....	600	.....	.....
	\$57,500	\$24,000	\$2,000	\$7,700	\$242,100	\$18,600	\$92,000
Schwarzburg	500	.....	.....	.....	.....	.....	.....
Granville	2,000	.....	.....	9,000	.....	.....	.....
Richfield	2,500	.....	.....	2,800	.....	1,000	.....
Schleissingerville ...	2,500	.....	.....	.....	.....	.....	.....
Hartford	2,000	.....	.....	3,100	.....	.....	.....
Rubicon	1,200	.....	.....	.....	.....	.....	.....
Woodland	2,000	.....	.....	3,000	.....	.....	.....
Iron Ridge	2,200	.....	.....	.....	.....	.....	.....
Horicon Junction...	3,500	10,000	1,600	4,000	7,000	200	.....
Minn. Junction	8,500	.....	.....	.....	.....	.....	.....
Rolling Prairie	1,500	.....	.....	.....	.....	.....	1,000
Beaver Dam	5,000	1,000	.....	1,000	.....	.....	.....
Fox Lake Junction..	3,000	.....	.....	5,000	.....	.....	.....
Randolph	2,500	.....	.....	.....	.....	.....	.....
Cambria	2,500	.....	.....	4,500	.....	500	.....
Pardeeville	3,500	.....	.....	.....	.....	600	.....
Totals ...	\$102,400	\$35,000	\$3,600	\$40,100	\$249,100	\$20,900	\$93,000

CONSTRUCTION OF HORICON AND BERLIN LINE.

Main track.....	42.4 miles.
Side track.....	8.4 miles.
Total	<u>45.8 miles</u>

Right of way, as per accompanying schedule.....	\$160,000	.....
Land for depots, stations, etc., as per schedule	60,000	.....
Total cash valuation of all lands purchased ..		\$160,000
Grading, as per schedule	216,750	.....
Bridging, as per schedule.....	51,000	.....
Total cash valuation of substructure.....		267,750
Ties	60,456	.....
Iron rails, No. miles, 45.8, lbs. wt. per yd., 60.....	345,832	.....
Chairs, spikes, fish-bar, etc.....	32,680	.....
Laying track and ballasting.....	64,120	.....
Total cash valuation of superstructure.....		502,588
Freight stations and fixtures, as per schedule.....	27,700	.....
Engine houses, as per sched.....[No. 2.].....	5,200	.....
Turn tables, as per sched.....[No. 2.].....	3,200	.....
Wood-sheds, water-stations and miscellaneous, as per schedule	12,700	.....
Fencing.....[No. miles, 40.]	32,000	.....
Elevators, as per schedule... ..[No. 1.].....	15,000	.....
Total cash val. of buildings, fencing, etc.....		95,800
Engineering expenses before and during construc'n	25,500	.....
Salaries of officers and agents essential during con.	6,100	.....
Total cost of eng. and official man. during con.		31,600
Total cash value of line unequipped.....		<u>\$1,057,738</u>

Line from Horicon to Berlin.

SCHEDULE 1.—Right of Way.

42 miles through unplatted lands	<u>\$100,000</u>
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SCHEDULE 2.—Depot Grounds.

Burnett	\$5,000
Waupun.....	10,000
	<u>\$15,000</u>
Brandon.....	\$10,000
Ripon	15,000
	<u>25,000</u>	.....
Berlin	20,000	.....
	<u>\$60,000</u>	

Line from Rush Lake to Winneconne.

SCHEDULE 1.—Right of Way.

14 miles through unplatted lands	<u>\$28,000</u>
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SCHEDULE 2.—Depot Grounds.

Omro and Winneconne	<u>\$17,000</u>
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SCHEDULE 3.—Grading.

Earthwork, 552,500 yards, at 30c	\$165,750
Additional for 170,000 yards rocky material, at 30c.....	51,000
	<u>\$216,750</u>

SCHEDULES 4 AND 5.—Masonry and Bridging.

Culverts, bridges, cattle guards, highway crossings, road signs, mile posts, etc	<u>\$51,000</u>
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SCHEDULE 9.

45.8 miles spikes, bolts, and fish bars, at \$643	\$29,450
8.4 miles side track, extra for switches, \$950	3,230
	<u>\$32,680</u>

Line from Rush Lake to Winneconne.

SCHEDULE 3.—Grading.

185,250 yards, at 30c.....	\$55,575
Extra for 85,000 yards rocky material, at 30c.....	10,500
	<u>\$66,075</u>

SCHEDULES 4 AND 5.—Masonry and Bridging.

Culverts, bridges, cattle guards, road crossings, signs and posts.	<u>\$17,120</u>
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Line from Horicon to Berlin.

SCHEDULES.		11, 12.	16.	18.	19.	13, 15.	21.
STATIONS.		Engine Houses.	Turn Tables.	Fuel & Wat.St.	Shops.	Miscel- laneous.	Ele- vators.
Burnett Junction.....	\$1,700	.....	.....	.....	.....	\$1,000	.....
Waupun	2,500	.....	.....	.....	.....	.....	.....
Brandon	4,000	.....	.....	\$5,100	.....	.....	.....
Ripon	4,500	\$1,200	\$1,600	.....	.....	.....	.....
Rush Lake.....	1,500	.....	.....	.....	.....	2,000	.....
Berlin	13,500	4,000	1,600	4,600	.....	.....	\$15,000
Totals	\$27,700	\$5,200	\$3,200	\$9,700	.....	\$3,000	\$15,000

Line from Rush Lake to Winneconne.

SCHEDULES.		11, 12.	16.	18.	19.	13, 15.	21.
STATIONS.		Engine Houses.	Turn Tables.	Fuel & Wat.St.	Shops.	Miscellaneous	Elevators.
Winneconne	\$4,000	\$2,000	\$1,600	\$1,600	.....	.....	\$10,000
Omro.....	4,900	.....	.....	1,200	.....	.....	.....
Waukau	8,500	.....	.....	.....	.....	.....	.....
Totals	\$12,400	\$2,000	\$1,600	\$2,800	.....	.....	\$10,000

CONSTRUCTION OF RUSH LAKE AND WINNECONNE LINE.

Main track.....	14 2 Miles.
Side track	1.0 Miles.
Total	15.2 Miles.

Right of way, as per accompanying schedule.....	\$28,000	.....
Land for depots, stations, etc., as per schedule	17,000	.....
Total cash valuation of all lands purchased ..		\$45,000
Grading, as per schedule	66,075	.....
Masonry, as per schedule	17,180	.....
Bridging, as per schedule.....		
Total cash valuation of substructure		83,205
Ties	20,064	.....
Iron rails....[No., miles, 15.2; lbs. wt. per yd. 60].	114,608	.....
Chairs, spikes, fish-bars, etc	10,728	.....
Laying track	21,280	.....
Total cash valuation of superstructure		166,675
Passenger stations and fixtures, as per schedule, }	12,400	.....
Freight stations and fixtures, as per schedule.... }		
Engine houses, as per schedule	2,000	.....
Turn tables, as per schedule	1,600	.....
Wood sheds and water stations, and miscellaneous,	2,800	.....
as per schedule		
Fencing	10,400	.....
Elevators, as per schedule	10,000	.....
Total cash valuation of buildings of every sort,		89,200
fencing, etc		
Engineering expenses before and during construc-	7,000	.....
tion		
Salaries of officers and agents essential during	2,000	.....
construction		
Total cost of engineering and official manage-		9,000
ment during construction.....		
Total cash value of line unequipped.....		343,080

CONSTRUCTION OF MILWAUKEE AND PRAIRIE DU CHIEN LINE.

Main track	194 Miles.
Side track	30.3 Miles.
Total	224.3 Miles.

Right of way, as per accompanying schedule	\$384,000	.....
Land for depots, stations, etc., as per schedule.....	1, 102,250	.....
Total cash valuation of all lands purchased...		\$1,486,250
Grading, as per schedule	\$1,481,800	.....
Masonry, as per schedule.....	431,000	.....
Bridging, as per schedule.....	213,500	.....
Total cash valuation of substructure.....		2,126,300
Ties, 224.3 miles	\$296,076	.....
Iron rails. [No. miles, 223.2. Lbs. wt. per yard, 60]	\$1,682,928	.....
Steel rails. [No. miles, 11. Lbs. wt. per yard, 59]	12,748	.....
Chairs, spikes, fish-bar, etc.....	173,010	.....
Laying track and ballasting	314,020	.....
Total cash valuation of superstructure.....		2,478,782
Passenger stations and fixtures, as per schedule, }	276,400	.....
Freight stations and fixtures, as per schedule, }		
Engine and car shops, as per schedule, }	222,000	.....
Machine shops, as per schedule, }		
Engine houses, as per schedule	112,500	.....
Car sheds, as per schedule	8,000	.....
Turn tables, as per schedule	11,200	.....
Wood sheds and water stations, and miscellaneous,		
as per schedule.....	85,415	.....
Fencing. [No. miles, 180]	162,000	.....
Elevators, as per schedule.....	460,000	.....
Total cash valuation of buildings of every sort,		
fencing, etc.....		1,337,515
Engineering expenses before and during construc-		
tion, \$825 per mile	\$160,000	.....
Salaries of officers and agents essential during con-		
struction	44,600	.....
Total cost of engineering and official manage-		
ment during construction.....		204,600
Total cash value of line unequipped.....		\$7,638,447

Line from Milwaukee to Prairie du Chien.

SCHEDULE 1.—Right of Way.

Milwaukee to Madison, 96 miles.....	\$240,000 00
Madison to Prairie du Chien, 96 miles	144,000 00
	<u>\$384,000 00</u>

SCHEDULE 2.—Depot Grounds.

MILWAUKEE (P. DU C. YARD.)

In blocks 146 and 147, 460 feet front, at \$200	\$92,000 00
In blocks 148 to 151, to 6th street, 1,470 feet front, at \$150....	220,500 00
1,270 x 90, btween 6th street and W. Line, block 137, at \$125...	158,750 00

1,270 × 100, west of 6th street, at \$80.....		101,600 00
2,740 × 125, bet. 2d and 6th streets, and in W. hf. blk. 141, at \$80		219,200 00
190 feet in lot 12, block 144, and in W. side block 145, at \$80..		15,200 00
140 feet on W. Water St., \$21,000, 150 feet in block 136, \$6,000.		27,000 00
1,800 feet in block 137, and between two canals, at \$30.....		54,000 00
Wauwatosa.....	\$10,000	.....
Waukesha	15,000	.....
Eagle	8,000	.....
		<hr/> 33,000 00
Palmyra.....	\$6,000	.....
Whitewater.....	20,000	.....
Milton	5,000	.....
		<hr/> 31,000 00
Edgerton	\$10,000	.....
Stoughton	10,000	.....
Madison.....	40,000	.....
		<hr/> 60,000 00
Black Earth	\$10,000	.....
Mazomanie.....	10,000	.....
Spring Green.....	5,000	.....
		<hr/> 25,000 00
Lone Rock	\$5,000	.....
Avoca	5,000	.....
Muscoda	5,000	.....
		<hr/> 15,000 00
Boscobel ...	10,000	.....
Prairie du Chien.....	40,000	.....
		<hr/> 50,000 00
		<hr/> <hr/> \$1,102,250 00

SCHEDULE 3.—Grading.

194 miles, excavating 4,656,000 yards, at 80 cents.....	\$1,396,800 00
50,000 yards rock, included above, at 80 cents additional.....	40,000 00
30,000 yards rip-rap on embankments, at \$1.50.....	45,000 00
	<hr/> \$1,481,800 00

SCHEDULE 4.—Masonry.

6,400 cubic yards, 1st class masonry, at 15 cents.....	\$96,000 00
2,900 cubic yards, 2d class masonry, at 10 cents	29,000 00
Foundations and rip-rap of Wisconsin river, bridges.....	112,000 00
Culverts, masonry, pile culverts, framed plank and timber cul- verts, pile abutments, road bridges, cattle guards, highway crossings, road signs and whistling posts.....	194,000 00
	<hr/> \$431,000 00

SCHEDULE 5.—Bridging.

213 feet iron bridge, double track.....	\$23,560 00
4,230 feet truss bridge, 100 to 150 feet span, including 8 draws.	135,860 00
855 feet truss bridge, 60 to 100 feet, at \$20.....	7,100 00
1,190 feet truss bridge, 20 to 60 feet, at \$12	14,280 00
2,900 feet truss bridge, at \$8.....	23,200 00
Bridge 500 feet long over tracks in Milwaukee and approaches	10,000 00
	<hr/> \$213,500 00

SCHEDULE 9.—Spikes, etc.

224.3 miles spike splice, at \$643.....	\$144,225 00
30.3 miles side track, extra for switches.....	28,785 00
	<hr/> \$173,010 00

SCHEDULES 11 AND 12.—*Stations and Fixtures.*

25 stations, including platforms and planking, at \$3,400.....		\$85,000
25 sets scales, trucks, desks, seats, stoves, etc., at \$580		14,500
2 stations and platforms		5,000
Eating house, Madison.....	\$8,000	
Eating house, Prairie du Chien.....	60,000	
		68,000
Passenger depot and baggage-room, Pr. du Chien..	\$4,000	
Freight depot.....	25,000	
		29,000
20 cattle yards.....	\$2,900	
Freight depot, Milwaukee, 51 x 407.....	23,000	
		25,900
1 freight building, Milwaukee, 90 x 180.....	\$15,000	
1 shed, 80 x 200	4,000	
		19,000
1 shed 80 x 170.....	\$4,000	
1 shed 80 x 105.....	2,000	
		6,000
1 brick warehouse, 2 story	\$6,000	
1 shed 40 x 250	4,000	
		10,000
1 shed 40 x 300..	\$6,000	
1 shed 40 x 200.....	3,000	
		9,000
1 freight office 22x60.....	\$2,000	
Furniture freight offices, Milwaukee	3,000	
		5,000
		<u>\$276,400</u>

SCHEDULES 13 AND 15.—*Shops, etc.*

Machine and car shops, 60x408.....		\$30,000
Engine room, chimney, boiler and engine.....		20,000
Machines, shafting, belts and tools.....		100,000
Patterns	\$10,000	
Brick storehouse, 36x62... ..	2,000	
		12,000
Blacksmith shop, 40x135 and 50x52, with forges and tools.....		30,000
Wood shop, 40x60	\$1,500	
Office supply agent, 80x60	3,000	
		4,500
Office time keeper.....	\$1,500	
Office for telegraph for shops	500	
		2,000
Oil house.....	\$1,000	
Blacksmith shop, Madison.....	2,000	
Blacksmith shop, Prairie du Chien	2,500	
		5,500
Machine shop, Prairie du Chien	\$16,000	
Storeroom	500	
Oil tank.....	1,000	
Office.	500	
		18,000
		<u>\$222,000</u>

SCHEDULE 16.—*Engine Houses.*

2 engine houses.....	\$2,500
1 engine house at Madison	48,000
1 engine house at Prairie du Chien.....	80,000
1 engine house at Milwaukee.....	84,000
	<hr/>
	\$112,500
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SCHEDULE 17.—*Car Sheds.*

1 brick car house, Milwaukee	\$8,000
	<hr/>

SCHEDULE 18.

7 turn tables.....	\$11,200
	<hr/>

SCHEDULE 19.—*Wood Sheds and Water Stations and Miscellaneous.*

19 water stations, with wells, pumps, wind mills, tanks, spouts and pipes, \$3,100 ..	\$58,900
1 water station, Prairie du Chien.....	\$5,000
Wood and coal sheds.....	4,000
	<hr/>
	9,000
Barn, at Prairie du Chien	\$1,000
Ice house at Prairie du Chien.....	1,015
	<hr/>
	2,015
1 sand house, Milwaukee.....	\$500
Watchman's houses	5,000
	<hr/>
	5,500
Section and hand car houses, bridge houses, and houses at Madison	10,000
	<hr/>
	\$85,415
	<hr/>

SCHEDULE 21.—*Elevators.*

Elevator "C.," Milwaukee, 72x200, engine house 24x40	\$185,000
Elevator "B.," Milwaukee, 85x250, engine house, 38x40 ...	225,000
4 sheds with above, 850 feet long.....	\$10,000
Elevator and docks, Prairie du Chien	90,000
	<hr/>
	100,000
	<hr/>
	\$46,000
	<hr/>

CONSTRUCTION OF MILTON AND MONROE LINE.

Main track (including Y at Milton Junction)	43.6 Miles.
Side tracks	5.4 Miles.
Total	49.0 Miles.

Right of way, as per accompanying schedule	\$80,000	.....
Land for depots, etc., as per schedule.....	83,000	.....
Total cash valuation of all lands purchased...		\$163,000
Grading, as per schedule ..	388,830	.....
Masonry, as per schedule	125,250	.....
Bridging, as per schedule.....	89,100	.....
Total cash valuation of substructure		553,180
Ties	64,680	.....
Iron rails: [No. miles, 49; lbs. wt. per yard, 57]	351,085	.....
Chairs, spikes, fish-bars, etc.....	34,930	.....
Laying track and ballasting.....	61,600	.....
Total cash valuation of superstructure		512,295
Passenger stations and fixtures, as per schedule..	32,100	.....
Freight stations and fixtures, as per schedule: }		
[No. stations, 6].....		
Engine houses, as per schedule, two—		
One at Janesville... ..	\$15,000	.....
One at Monroe.....	3,000	.....
	18,000	.....
Car sheds, as per schedule .....		.....
Turn tables, as per schedule, at Janesville and Mon-		.....
roe: [No. 2].....	3,200	.....
Wood sheds and water stations, as per schedule...	9,500	.....
Fencing, farm crossings and gates: [No. miles, 41]	36,900	.....
Miscellaneous, as per schedule	3,000	.....
Total cash valuation of buildings of every		102,700
sort, fencing, etc.		
Engineering expenses before and during construc-	80,100	.....
tion, 43 miles at \$700.....		
Salaries of officers and agents essential during con-	8,000	.....
struction.....		
Total cost of engineering and official manage-		38,100
ment during construction.....		
Total cash value of line unequipped.. ..		\$1,369,275

One railroad crossing, \$400.

Line from Milton to Monroe.

SCHEDULE No. 1.—Right of Way.

40 miles on unplatted lands.....	\$80,000
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SCHEDULE No. 2.—Depot Grounds.

Janesville	\$60,000	
Oxford	3,000	
		\$63,000
Broadhead.....	10,000	
Monroe.....	10,000	
		20,000
		\$83,000

Railway Statistics.

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SCHEDULE 3.—Grading.

1,183,600 yards earth at 30c	\$340,080
89,000 yards rock at \$1.25	48,750
	<hr/>
	\$388,830
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SCHEDULE 4.—Masonry.

4,500 c. yards masonry, Janesville \$10	\$45,000
5000 c. yards masonry, elsewhere 6	80,000
1,200 c. yards masonry, arch culvert 15	18,000
Pile timber and frame culverts, road bridges, pile abutments, drains, cattle guards, road crossings, road signs and whistling posts	3 5
	<hr/>
	\$125,250
	<hr/>

SCHEDULE 5.—Bridging.

890 lineal feet truss bridge \$26,700	}	\$37,600
1,090 lineal feet trussle bridge 10,900		
300 lineal feet trussle bridge, low		1,500
		<hr/>
		\$39,100
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SCHEDULE 9.—Spikes, etc.

49 miles chairs, spikes and fish bars, \$600	\$29,400
5.4 miles side tracks, extra for switches \$950	5,130
1 railroad crossing	400
	<hr/>
	\$34,930
	<hr/>

SCHEDULES 11 AND 13.—Stations and Fixtures.

Monroe	\$7,000	
Juda	3,000	
Broadhead	5,600	
	<hr/>	\$15,600
Oxford	\$3,500	
Hanover	3,000	
Janesville	8,500	
	<hr/>	\$15,000
6 cattle yards		1,500
		<hr/>
		\$32,100
		<hr/>

SCHEDULE 19.—Wood Sheds and Water Stations.

Wood shed and yards at Janesville.....		\$700
Water station, Janesville (included in engine house) .....		.....
Water station, Oxford	\$1,800	
Water station, Broadhead	4,000	
	<hr/>	\$5,800
Water station, Monroe		\$8,000
		<hr/>
		<u>\$9,500</u>

MISCELLANEOUS.

Hand car houses	\$1,000
Dwellings	2,000
	<hr/>
	\$3,000
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CONSTRUCTION OF MILWAUKEE AND CHICAGO LINE.

Main track	37.5 Miles.
Side track	4.0 Miles.
Total	<u>41.5</u>

Right of way, as per accompanying schedule,*....	\$166,300	.....
Land for depots, stations, etc., as per schedule, in- cluded in La crosse division.....		.....
Total cash valuation of all lands purchased....		\$166,300
Grading, as per schedule	\$237,030	.....
Masonry, as per schedule .....		.....
Bridging, as per schedule.....	95,700	.....
Total cash valuation of substructure.....		332,730
Ties	\$54,780	.....
Iron rails: [No. miles, 30.5; lbs. wt. per y'd 60] ...	229,970	.....
Steel rails: No. miles, 110; lbs. wt. per yard, 59.]	127,479	.....
Chairs, spikes, fish-bar, etc., per schedule.....	81,284	.....
Laying track and ballasting.....	58,100	.....
Total cash valuation of superstructure.....		501,613
Passenger stations and fixtures, as per schedule. }	\$18,400	.....
Freight stations and fixtures, as per schedule.... }		
Wood sheds and water stations and miscellaneous as per schedule.....	12,990	.....
Fencing: [No. miles, 35].....	28,000	.....
Total cash valuation of buildings of every sort, fencing, etc		54,390
Engineering expenses before and during construc- tion	\$29,600	.....
Salaries of officers and agents essential during con- struction	6,400	.....
Total cost of engineering and official manage- ment during construction.. ..		36,000
Total cash value of line unequipped.....		\$1,091,033

* Two railroad crossings.

CHICAGO DIVISION.

Line from Milwaukee to State Line of Wisconsin.

SCHEDULE 1.—Right of Way.

Block 17, fifth ward of Milwaukee.....	\$3,000
Blocks 83 and 84, fifth ward of Milwaukee.	13,000
Blocks 117 and 118, fifth ward of Milwaukee	6,500
Blocks 97 and 110.....	3,800
Blocks 94 and 81.....	10,000
Between block 81 and south line of city	25,000
36 miles unplatted land.....	90,000
Agency and legal expenses.....	15,000
	<u>\$166,300</u>

SCHEDULE 3—Grading.

591,000 cubic yards, at 33c.....	\$195,030
24,000 cubic yards hard-pan, 50c. extra.....	12,000
Ditching and filling sink-hole with train.....	80,000
	<u>\$287,030</u>

SCHEDULES 4 AND 5—Masonry and Bridging.

Pile, bridging and culverts	\$75,150
140 feet draw bridge.....	\$8,000
Truss bridge.....	1,800
	<u>9,800</u>
Road crossings, signs, posts, etc.	11,250
	<u>\$95,700</u>

SCHEDULE 9.

41.5 miles spikes, flat bars and bolts, \$643	\$26,684
4 miles side track, extra, for switches, \$950 ...	8,800
Two railroad crossings	800
	<u>\$31,284</u>

SCHEDULES 11 AND 12—Stations.

Lake	\$1,200	
Oakwood.....	1,200	
	<u>\$2,400</u>	
Franksville	\$2,000	
Western Union Junction	5,500	
Burr Oak.....	200	
	<u>7,700</u>	
Truesdell	8,000	
	<u>18,100</u>	
8 cattle yards	800	
	<u>\$18,400</u>	

SCHEDULE 19—Wood Sheds and Water Stations.

Oakwood water station.....	\$8,500	
Truesdell water station.....	8,600	
	<u>\$7,100</u>	

MISCELLANEOUS.

7 flag houses in Milwaukee.....	\$680
7 section houses	4,500
7 hand car houses.....	560
1 telegraph house.....	200
	<u>\$12,990</u>

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY—Summary of Estimated Value of all Divisions in Wisconsin.

	LENGTH OF		Right of Way and Depot Grounds	Grading, Ma- sonry and Bridging.	Track and Ballasting.	Building and Fencing.	Engineering and Man- agement.	Equipment as per articles. ¹
	Side Track.	Main Track.						
Milwaukee to La Crosse.....	35.83	197.30	\$1,496,550	\$2,107,680	\$2,886,237	\$1,228,400	\$208,800	.....
Watertown to Madison.....	1.83	37.00	127,500	392,700	425,873	48,300	35,700	.....
Milwaukee to Portage.....	14.20	104.30	544,000	1,209,950	1,306,695	624,100	105,300	.....
Horicon to Berlin.....	3.40	42.40	160,000	267,750	502,588	95,800	31,600	.....
Rush Lake to Winneconne.....	1.00	14.20	45,000	83,205	166,675	39,200	9,000	.....
Milwaukee to Prairie du Chien.....	30.30	194.00	1,486,250	2,126,300	2,478,782	1,337,515	204,600	.....
Milton to Monroe.....	5.40	43.60	163,000	553,180	512,293	102,700	38,100	.....
Milwaukee to State Line of Wisconsin...	4.00	37.50	166,300	332,730	501,613	54,390	36,000	.....
Totals.....	95.96	670.30	\$4,188,600	\$7,073,495	\$8,780,758	\$3,530,405	\$669,100	\$4,608,462
Grand totals.....	766.26 miles.		..... \$24,242,358					
			Add proportionate share of equipment ... 4,608,462					
			\$28,850,820					

¹ Not capable of exact distribution among the different divisions.

CHICAGO & NORTHWESTERN RAILWAY—STATISTICS OF COST, FURNISHED BY COMPANY.

CHICAGO & NORTHWESTERN RAILWAY,
Office of the General Manager,
CHICAGO, Dec. 15, 1874.

GENTLEMEN: In answer to your circular of Sept. 28th, and letter of Dec. 1st, I beg to hand you herewith the following statements, which I have had prepared:

- No. 1. Statistics of Chicago and Northwestern Railway in Wisconsin.
- No. 2. Statistics of Northwestern Union Railroad.
- No. 3. Statistics of La Crosse, Trempealeau and Prescott Railroad.
- No. 4. Statement of cost of La Crosse, Trempealeau and Prescott Railroad, to June 30, 1874.
- No. 5. Statement of cost of Northwestern Union Railroad to June 30, 1874.
- No. 6. Statement of cost of Madison Extension, to June 30, 1874. (Now consolidated and part of Chicago and Northwestern Railway.)
- No. 7. Statement of cost of Menominee Extension, to June 30, 1874. (Now consolidated with and part of Chicago and Northwestern Railway.)
- No. 8. Statement of cost of balance of Chicago and Northwestern Railway, situated in state of Wisconsin, made up from the data which this office contains, and in itself explaining fully the mode of making up.

It is impossible for me to give you any more data than those contained in the statements enclosed, from the fact that the old books and papers of the railroads now consolidated with this company were destroyed in the Chicago fire of 1871. You will observe that the "old" Chicago and Northwestern Railway shows to have cost more per mile than the road that has since been constructed, the details of which we are enabled to send you, but in connection with this, two important points must be understood and appreciated:

1st. That it is an old road, with more permanent structures, better adjusted grades, wider embankments, enlarged depot grounds, additional and lengthened side tracks, and the earth taken out of cuts, to a very much greater extent than in the case of the new roads, these works being the result of gradual improvement, and costing large sums of money.

2d. That these extensions to the road, of the last few years, show only the cost of building these roads in the state of Wisconsin, and they, as well as the old road in that state, should pay their *pro rata* proportion of the cost of all the expensive plant, depot grounds, machine shops, freight houses, etc., in Chicago, their common terminus, which have cost many millions of dollars.

If it were possible to separate this cost from the consolidated expense, which, owing to the destruction of the books previously referred to, cannot be done, I would have tried to do it, but as it is not, I have not undertaken it.

In conclusion, I may remark, that the compilation of this information which I am herewith sending you, has involved more work than would be readily appreciated by any one who has not been through it.

Yours truly,

H. H. PORTER,
General Manager.

Messrs. *The Railroad Commissioners of Wisconsin, Madison, Wis.*

STATISTICS OF THE CHICAGO AND NORTHWESTERN RAILROAD, IN WISCONSIN.

Masonry:

No. culverts.	168
No. bridges.	1
No. tunnels.	8

Bridging:

No. iron bridges.	2
No. wooden bridges.	318
No. wooden culverts.	335

Ties and tying, 1,359,600.

Iron rail, No. miles, 508 55-100; lbs. wt. per yard, 50, 56 and 60.

Steel rail, No. miles, 6 5-10; lbs. wt. per yard, 60.

Chairs, spikes, fish-bar, etc., 192,800 fish-joints; 14,500 chairs; 2,275,000 lbs. spikes.

Passenger stations and fixtures, 14.

Freight stations and fixtures, freight and passenger, 67.

Engine and car shops, 1.

Machine shops, 1.

Engine houses, 12.

Turn tables, 15.

Wood sheds and water stations, 5 coal sheds, 39 water stations.

Fencing, 445 miles fenced.

EQUIPMENT OF CHICAGO AND NORTHWESTERN RAILROAD COMPANY.

Locomotives.	342
Snow plows on wheels.	4
Passenger cars, 1st class.	141
Passenger cars, 2d class.	27
Baggage cars and express.	65
Mail cars.	15
Freight cars, closed.	4,293
Platform cars.	1,025
Paymasters' and business cars.	4
Caboose and way cars.	140
Boarding cars for men.	18
Stock cars.	384
Dump cars for road work.	26
Iron ore cars.	1,957
Pile driving and wrecking cars.	11

STATEMENT OF COST of Chicago and Northwestern Railway proper, to June 30, 1874.

Old construction		\$39,979,262 62
New construction		18,117,239 69
New equipment		7,953,567 16
Stanwood and Tipton Railway.....		156,975 21
State Line and Union Railroad.....		101,161 98
		<hr/>
		\$66,308,206 66
Less cost of roads, as per statements herewith—		
Madison Extension..	\$5,342,169 96	
Add its pro rata proportion of equipment,		
129.10 miles at \$6,963.98 per mile	899,049 82	
Menomonee Extension	1,076,210 25	
Add proportion of equipment, 49.45 miles		
at \$6,963.98 per mile.....	344,368 81	
Escanaba Extension.....	2,187,440 60	
Add proportion of equipment, 64.65 miles at		
\$6,963.98 per mile	450,221 81	
		<hr/>
		10,299,460 75
		<hr/>
		\$56,008,745 91
BALANCE COST OF ROAD.		
Which is represented by—		
Wiscensin Division	Miles. 868.95	
Less	49.45	
	<hr/>	819.50
Galena Division.....	812.40	
Stanwood and Tipton R. R..	8.50	
Madison Division	196 70	
Less	129 10	
	<hr/>	67 60
Mich. State Line to Ir'n Mines	170.55	
Less	64.65	
	<hr/>	105 90
Milwaukee Division.....	85 00	
	<hr/>	
Total miles	898 90	
	<hr/>	
Deduct cost of equipment of 898.90 miles at		
\$6,963.98 per mile.		6,259,927 22
		<hr/>
Total cost of 898.90 miles of road.....		\$49,748,818 69
		<hr/>
CONDENSATION.		
This 898.90 miles of road cost per		
mile.....	\$55,344 10	
And equipment since 1864	6,963 98	
	<hr/>	
Total	\$62,308 08	
	<hr/>	
In Wisconsin there are of this part of the Chi-		
cago and Northwestern Railway, of which		
we can furnish no further data, on account		
of the destruction of the books in Chicago		
fire, 295 76 miles at \$55,344.10 per mile		\$16,368,571 02
Add equipment at \$6,963.98 per mile		2,059,666 72
		<hr/>
Total		\$18,428,237 74

STATEMENT OF COST of *Madison Extension* to June 30, 1874.
From Madison to Winona Junction, 129¹⁰/₁₀₀ miles.

CONSTRUCTION.		
Interest paid on bonds while road was in course of construction, and before it had begun to earn anything.....	\$337,562 14	.....
Less town subscriptions, and proceeds of sale of town bonds	118,678 20	.....
		\$218,883 94
Engineering		66,613 89
Right of way.....		166,320 83
Grading		1,745,852 09
Bridges and culverts		517,102 38
Clearing and grubbing		29,088 31
Ties.....		192,344 09
Railroad iron.....		1,208,152 10
Splices, spikes, bolts, etc		109,295 15
Track-laying.....		79,348 86
Ballasting		74,945 80
Ditching		296,194 10
Rip-rapping		489 44
Engine and car service in construction.....		90,676 09
Office and station furniture		8,845 79
Miscellaneous expenses.....		8,070 30
Construction—buildings.....		181,903 81
telegraph		4,791 04
side tracks.....		41,482 83
fences, gates and crossings.....		87,507 83
Surfacing.....		989 70
Tunnel No. 1		107,503 66
No. 2		93,221 93
No. 3		275,752 73
Transportation of men		5,242 08
Tools		6,541 23
Total.....		\$5,842,169 96
This extension requires a large expenditure yet to be made on it. The cost of equipment at time of consolidation, in 1864, cannot be shown separately, owing to the destruction of the books in Chicago fire.		
Cost per mile	\$41,380 09	.....
Add its pro rata proportion of equipment purchased since consolidation in 1864	6,963 98	.....
Total cost per mile.....		\$48,344 07

STATEMENT OF COST of Menominee Extension to June 30, 1874.

From Fort Howard to Michigan State Line, 49⁴⁸/₁₀₀ miles.

CONSTRUCTION.		
Interest paid on bonds while the road was in course of construction, and before it had begun to earn anything		\$26,732 95
Right of way.....		71 42
Engineering		26,217 37
Bridges and culverts.....		4,357 49
Pro-construction new river bridge in Wis.....		27,703 93
Ties		2,831 40
Railroad iron		3,498 48
Splices, spikes, bolts, etc.....		2,871 40
Track laying.....		3,222 79
Ballasting		14,766 20
Ditching		1,905 84
Engine and car service in construction		14,049 91
Construction of buildings and fences		27,987 48
Construction of side tracks		12,705 72
Construction of telegraph.....		3,138 48
J. A. Ellis & Co.'s contract		900,000 00
Office and station furniture		4,108 86
Miscellaneous expenses.....		91 10
Total		<u>\$1,076,210 25</u>
This extension requires some expenditure yet to be made on it. The cost of equipment at the time of consolidation, in 1864, cannot be shown separately owing to the destruction of the books by the Chicago fire.		
Cost per mile	\$21,763 60	.....
Add its <i>pro rata</i> proportion of equipment purchased since consolidation in 1864.....	6,963 98	.....
Total cost per mile		<u>\$28,727 5 8</u>

STATISTICS OF THE NORTHWESTERN UNION RAILROAD.

Masonry:

No. Culverts..... 2

Bridging:

No. wooden bridges..... 60

No. wooden culverts..... 46

Ties and tying, 178,500.

Iron rail, No. miles, 67 63-100, lbs. wt. per yard, 56 lbs.

Chairs, spikes, fish-bar, etc.—28,400 fish-joints, 1,200 chairs, 367,000 lbs. spikes.

Passenger stations and fixtures..... 1

Freight stations and fixtures, passenger and freight..... 6

Wood sheds and water stations, as per schedule, water stations 5

Fencing—

No miles..... 60

STATEMENT OF COST of Northwestern Union Railway to June 30, 1874.

From Milwaukee to Fond du Lac, 62¹/₁₀ miles.

CONSTRUCTION.		
Interest paid on bonds while road was in course of construction, and before it had began to earn anything.....	\$345,911 40	.....
Less interest rec'd on proceeds of sale of bonds.....	\$15,491 45	
Less am't received from sale of town sub. bonds.....	133,875 00	
	148,866 45	\$197,045 04
Right of way		421,845 61
Engineering		38,780 18
Grading		765,810 20
Ditching.....		27,960 14
Ties		96,409 50
Railroad Iron.....		630,861 04
Splices, spikes, bolts, etc		63,790 12
Tracklaying		35,908 08
Tools.....		11,294 19
Ballasting		50,918 96
Surfacing.....		5,969 42
Engine and car service in construction		66,108 00
Clearing and grubbing		26,290 94
Construction—buildings.....		64,020 40
Milwaukee breakwater		43,481 17
bridges and culverts.....		204,090 69
fences, gates and crossings.....		56,346 76
telegraph		262 96
Office and station furniture		2,174 28
Stationery		272 95
Miscellaneous expenses.....		16,392 43
Transportation of men and material.....		5,550 01
Interest.....		3,724 07
Total		\$2,835,307 84
This road owns no equipment and requires a large expenditure yet to be made upon it.		
Average cost per mile of road.....		\$45,270 70

STATISTICS OF THE LA CROSSE, TREMPLEAU. AND PRESCOTT RAILROAD.

Masonry:	
No. culverts	8
Bridging:	
No. wooden bridges.....	26
No. wooden culverts	19
Ties and tying.....	81,840
Iron rail—	
No. miles.....	31
Lbs. wt. per yard.....	58

Chairs, spikes, fish-bar, etc.—

Fish-joints	12,000
Chairs.....	800
Spikes, lbs.....	155,000
Freight stations and fixtures, passenger and freight:	
No. of stations.....	4
Wood sheds and water stations.....	2
Fencing, No. miles.....	27

STATEMENT OF COST of *La Crosse, Trempealeau and Prescott Railroad* to January 30, 1874.

Winona Junction to Winona, 29 miles.

Engineering.....		\$17,325 63
Surveying		763 26
Right of way		18,125 72
Grading		164,708 24
Masonry.....		2,851 19
Ties		59,154 24
Railroad iron		244,098 80
Chairs, spikes, splices, etc		26,270 02
Fences, gates and crossings.....		14,982 40
Telegraph		1,441 29
Office and station furniture.....		644 83
Track laying.....		16,795 98
Surfacing track		9,517 25
Side tracks		27,930 65
Bridging		327,308 58
Winona bridge and approaches		256,980 11
Buildings.....		14,867 86
Miscellaneous and legal expenses		22,048 76
Interest paid on bonds while the road was in course of construction before it had began to earn anything.....	\$220,416 04	
Less interest received on proceeds of bonds....	89,994 89	
		\$180,421 65
Total.....		\$1,406,219 94
This road owns no equipment; average cost per mile.....		\$48,490 34

WISCONSIN CENTRAL RAILROAD COMPANY—PRESENT
CASH VALUATION.

MILWAUKEE, Wis., Dec. 15, 1874.

To the Board of Railroad Commissioners, Madison:

GENTLEMEN: Enclosed please find report as requested. I regret the delay, but its preparation required more time than I supposed.

To estimate "actual present value" of the property of the Wisconsin Central Railroad Company, is impossible, if it means market value. Ties in the ground, masonry in culverts, etc., have no market value. Supposing the commissioners to desire our estimate of the present worth of this property to us, as representing the cash cost paid up to present time for the incomplete road and equipment which is all in the possession of the Phillips & Colby Construction Company, the company has classified the items by estimating, as far as was possible. How much more or less than this estimate the property is worth to the company, depends greatly upon the settlement yet to be made in a wilderness, and the possibility of raising money to finish the railroad, and the course of legislation about railroads in Wisconsin. The construction accounts being yet open, and the enterprise incomplete, it is not possible to make any definite return to these inquiries.

Yours, very respectfully,

CHAS L. COLBY,
Vice President.

CONSTRUCTION OF WISCONSIN CENTRAL R. R. LINE.

Not including Milwaukee and Northern R'y, cleaning and grubbing	\$280,571 66	.....
Land for depots, stations, etc.....	33,689 11	.....
Grading.....	1,419,535 000	.....
Masonry		
Bridging, as per schedule.....	601,308 16	.....
Ties.....	244,809 91	.....
Iron rail.....	2,281,118 65	.....
Steel rail.....		
Chairs, spikes, fish-bars, frogs, etc	187,848 40	.....
Laying track		
Ballast	159,036 66	.....
Freight stations and fixtures.....	104,908 63	.....
Machinshops and engine houses.....		
Machinery and tools in shops.....	9,077 33	.....
Docks, etc.....	82,351 67	.....
Water stations.....	44,711 78	.....
Fencing	44,614 20	.....
Telegraph line.....	15,109 44	.....
Train, station and track outfit.....	18,875 00	.....
Engineering expenses before and during con- struction	205,447 33	.....
Salaries of officers, clerks and agent, rents and expenses essential during construction	303,095 50	.....
Incidental expenses.....	77,148 16	.....
Total cash valuation of equipment.....	\$613,232 26	.....
Grand total cash value of line equipped..		\$6,671,483 83

GREEN BAY & MINNESOTA RAILROAD CO.—STATISTICS OF COST.

CONSTRUCTION OF GREEN BAY AND MINNESOTA LINE.

Right of way.....	\$48,646 34	.....
Land for depots, stations, etc., as per scedule..	26,418 10	.....
Total cash valuation of all lands purchased		\$75,064 44
Grading.....	\$748,085 83	.....
Bridging and masonry. No. wooden bridges, 88.....	292,100 15	.....
Total cash valuation of substructure.....		1,035,185 98
Ties and tying	141,442 96	.....
Iron rail. No. of miles, 218 in main line, 7 in side tracks. Lbs. wt. per yard, 56 and 52...	1,558,705 44	.....
Chairs, spikes, fish-bar, etc.....	155,196 00	.....
Laying track.....	68,505 61	.....
Total cash valuation of superstructure ...		1,923,850 01
Passenger stations and fixtures ¹	\$58,479 19	.....
Freight stations and fixtures. No. stations, 28.....		
Engine and carshops. No., 1		
Machine shops No. 1.....		
Machinery and fixtures.....	31,817 62	.....
Engine houses. No. 5....	8,676 68	.....
Telegraph construction.....		
Turn tables. No. 4.....		
Wood sheds and water stations. No. 11.....		
Fencing	6,100 10	.....
Elevators and docks. No. 1.....	22,891 66	.....
Total cash valuation of buildings of every sort, fencing, etc	120,480 67	.....
Engineering expenses before and during construction.....	72,676 46	.....
Salaries of officers and agents essential during construction		821,122 88
Total cost of engineering and official management during construction.....	50,128 78	.....
Incidental expenses	81,044 45	.....
Total cash value of line unequipped		81,168 18
		80,422 07
		\$3,516,818 06

EQUIPMENT.

Locomotives. No. 13.....	\$138,629 11	.....
Snow plows on wheels. No. 10.....	700 00	.....
Passenger cars, 1st class. No. 6	31,889 94	.....
Passenger cars, 2d class. No. 4.....	8,782 03	.....
Baggage cars. ² No. 3	7,270 44	.....
Freight cars, closed. No. 875.....	292,758 10	.....
Platform cars. No. 125	75,669 12	.....
Machinery and tools to accompany trains	1,006 00	.....
Total cash valuation of equipment.....		556,154 74
Grand total cash value of line equipped..		\$4,072,967, 80

¹ Same buildings answer for passenger and freight stations.
² Baggage, mail and express cars.

WEST WISCONSIN RAILWAY—STATISTICS OF COST.

CONSTRUCTION OF WEST WISCONSIN LINE.

FROM ELROY TO HUDSON, WIS.

Right of way	\$150,000 00	.....
Land for depots, stations, etc.....	95,000 00	.....
Total cash valuation of all lands purchased		\$225,000 00
Grading	\$709,392 59	.....
Masonry, as per schedule, [No. culverts, 10; No. bridges, —; No. tunnels, 1].....	63,436 36	.....
Bridging, wood: [No. drawbridges, 1; trestles, 101; No. wooden bridges Howe Truss, 5]....	264,648 09	.....
Total cash valuation of substructure.....		1,037,477 04
Ties and tying	\$137,760 00	.....
Iron rail, [No. miles, 185 $\frac{1}{2}$, lbs. wt. per yard, 145 $\frac{1}{2}$ miles of 56 lbs., and 40 miles of 50 lbs.]	1,201,160 00	.....
Chairs, spikes, fish-bar, etc	132,327 00	.....
Laying track and ballasting	182,950 00	.....
Total cash valuation of superstructure ...		1,654,197 00
Passenger stations and fixtures. [No. stations, 5]	23,000 00	.....
Freight stations and fixtures. [No. stations, 19]	27,500 00	.....
Machine shops. [No., 3]	18,000 00	.....
Machinery and fixtures.....	55,000 00	.....
Engine houses. No., 5.....	29,400 00	.....
Car sheds.....	4,000 00	.....
Turn tables. No. 6	9,000 00	.....
Water stations. No., 14.....	21,100 00	.....
Fencing, single, [No. miles, about 194].....	75,000 00	.....
Material on hand, wood, ties, etc.....	125,000 00	.....
Total cash valuation of buildings of every sort, fencing, etc		887,000 00
Engineering expenses, before and during con- struction	\$100,856 30	.....
Salaries of officers and agents essential dur- ing construction	117,149 22	.....
Total cost of engineering and official man- agement during construction		218,005 52
Incidental expenses		343,653 75
Total cash value of line unequipped		\$3,865,333 31
EQUIPMENT OF WEST WISCONSIN LINE.		
Locomotives. [No., 24...].....	\$289,127 09	.....
Snow plows, not on wheels. [No., 2]	1,000 00	.....
Passenger cars, 1st class, [No., 8]	88,000 00	.....
Passenger cars, 2d class, [No., 4].....	13,550 00	.....
Baggage cars and express, [No. 5].....	12,550 00	.....
Mail cars, [No., 3]	6,258 11	.....
Pay cars, [No., 1].....	8,524 60	.....
Freight cars, closed, [No., 377].....	294,250 00	.....
Platform cars, [No., 87]	48,225 00	.....
Machinery and tools to accompany trains.....	1,500 00	.....
Caboose cars, [No., 5].....	4,664 71	.....
Total cash valuation of equipment.....		712,649 51
Grand total cash value of line equipped		\$4,577,982 82

MINERAL POINT RAILROAD—PRESENT CASH VALUE.

CONSTRUCTION OF MAIN LINE.

Right of way,* 360 acres at \$40 per acre	\$14,400	.....
Land for depots, stations, etc., as per schedule, Mineral point, 7,000; Calamine, 750; Darlington, 8,500; Riverside, 750.....	12,000	.....
Total cash valuation of all lands purchased ...		\$26,400
Grading, 31 miles, at \$15,000 per mile.....	465,000	.....
Masonry: No. culverts, 11, at \$350 each	13,115	.....
Bridging: No. wooden bridges, 8, at \$5,000....	40,000	.....
Total cash valuation of substructure.....		618,115
Ties and tying, \$2,500 per mile, at 50 cents each, 36 miles, including siding	45,000	.....
Iron rail; No. miles, 36; lbs. wt. per yard. 56.....	221,760	.....
Chairs, spikes, fish-bar, etc., chairs for 36 miles, \$39,600; spikes for 36 miles, \$10,800.....	50,400	.....
Laying track.....	14,400	.....
Total cash valuation of superstructure		331,560
Passenger stations and fixtures	9,500	.....
Machine shops.....	6,000	.....
Machinery and fixtures.....	5,000	.....
Engine houses.....	3,000	.....
Car sheds.....	300	.....
Turn tables.....	1,000	.....
Wood sheds and water stations. No., 4	6,000	.....
Fencing; No. miles, 30	24,000	.....
Total cash valuation of buildings of every sort, fencing, etc.....		53,800
EQUIPMENT.		
Locomotives, as per schedule, two at \$12,000, and three at \$10,000; No., 5	54,000	.....
Passenger cars, 2d class; No. 3.....	7,500	.....
Baggage cars; No. 2	4,000	.....
Freight cars, closed; No. 26.....	15,600	.....
Platform cars; No. 26.....	11,700	.....
Machinery and tools to accompany trains.....	500	.....
Total cash valuation of equipment.....		93,300
Grand total cash value of line equipped.....		\$1,128,175

*The estimate is for 31 miles in the state of Wisconsin, from Mineral Point to state line. This statement (except as to rolling stock), is estimated, and not founded upon any definite estimates of cost, engineers reports, bills, or any other certain data.

DUBUQUE, PLATTEVILLE AND MILWAUKEE R. R.— PRESENT CASH VALUATION.

[This road is operated by the Mineral Point R. R., as a branch line. It has no rolling stock. This list has been filled from a statement received from Hanmer Robbins, President of the road, and is as full as the information at hand would authorize.]

CONSTRUCTION OF MAIN LINE.

Right of way.....	\$9,000 00	.....
Land for depots, stations, etc.,... ..	4,500 00	.....
Total cash valuation of all lands purchased...		\$18,500 00
Total cash valuation of substructure		163,000 00
Ties and tying.....	\$23,400 00	.....
Laying track, 20 miles, at \$10,000.....	200,000 00	.....
Total cash valuation of superstructure		223,400 00
Passenger stations and fixtures, two stations.....	\$4,000 00	.....
Engine houses	800 00	.....
Turn tables.. ..	500 00	.....
Fencing, 17 miles.....	10,880 00	.....
Total cash valuation of buildings of every sort, fencing, etc		16,180 00
Engineering expenses before and during construc- tion	\$3 500 00	.....
Salaries of officers and agents essential during con- struction	12,000 00	.....
Total cost of engineering and official manage- ment during construction.....		15,500 00
Total cash value of line unequipped.....		\$431,580 00

OSHKOSH & MISSISSIPPI R. R.—COST.

OSHKOSH, Wis., Dec. 29, 1874.

GENTLEMEN: I was sick and unable to make this statement last week as I intended, and I have not now been able to do more than give the balances of the several accounts which enter into the cost of the road. There are many things which ordinarily enter into the cost of a railroad which do not appear here. For instance no salaries were paid to any officer during the work excepting \$2,500 per annum to the superintendent, and \$300 to the secretary. Engineers were employed by the month and discharged when their work was done. The president and directors, when engaged in the business, were refunded money actually expended by them only.

Yours respectfully.

GEORGE GARY.

Oshkosh and Mississippi River Railroad—Present Cash Valuation.

CONSTRUCTION OF OSHKOSH AND RIPON LINE.

Right of way.....	¹ \$32,448 17	.....
Land for depots, ² stations, etc.....	8,128 84	.....
Total cash valuation of all lands purchased		\$40,576 51
Grading.....	39,152 94	.....
Bridging. [No. wooden bridges, 1].....	25,547 80	.....
Total cash valuation of substructure.....		64,700 74
Ties and tying.....	16,390 79	.....
Iron rail: [No. miles, 20].....	³ \$140,257 43	.....
Steel rail.....		
Laying track, including ballasting, small bridges, etc.....	27,067 05	.....
Total cash valuation of superstructure.....		⁴ 188,715 27
Pass. stations and fixtures. [No. stations, 1] }	⁵ 10,603 78	.....
Fr't stations and fixtures. [No. stations, 1] }		
Turn tables [No. 1].....		.....
Wood sheds and water stations. [No. 1].....		.....
Fencing.....	5,539 86	.....
Total cash valuation of buildings of every sort, fencing, etc.....		16,143 64
Engineering expenses before and during construction.....	4,182 99	.....
⁶ Salaries of officers and agents essential during construction.....	3,280 57	.....
Total cost of engineering and official management during construction.....		7,463 56
Incidental expenses.....		5,291 99
Total cash value of line unequipped.....		\$317,891 71

¹ Some unsettled items will add \$1,000 or more.

² Depot grounds at Oshkosh only.

³ All included in one account.

⁴ Ballasting and various other items in construction account included.

⁵ At Oshkosh only.

⁶ No salaries were paid except to superintendent and secretary.

The figures given on the actual cost from the secretary's books. The road was leased before completion to the Milwaukee and St. Paul Company, and the above figures include no depot grounds or buildings except at the city of Oshkosh.

**CHIPPEWA FALLS AND WESTERN RAILROAD CO.—
PRESENT CASH VALUATION.**

**CONSTRUCTION OF CHIPPEWA FALLS AND WESTERN RAIL-
WAY LINE.**

Right of way	\$10,000	.....
Land for depots, stations, etc	20,000	.....
Total cash valuation of all lands purchased ...		\$30,000
Grading.....	\$17,000	.....
Bridging. [No. iron bridges, 2].....	1,000	.....
Total cash valuation of substructure.....		18,000
Ties and tying	\$13,000	.....
Steel rails, 11. [No. of miles, 65]	90,000	.....
Chairs, spikes, fish-bar, etc.....	10,000	.....
Laying track ...	6,000	.....
Total cash valuation of superstructure		119,000
Passenger stations and fixtures.....	4,000	.....
Freight stations and fixtures.....	1,000	.....
Turn tables.....	1,800	.....
Wood sheds and water stations	1,500	.....
Total cash valuation of buildings of every sort, fencing, etc.		8,300
Engineering expenses before and during construc- tion		2,000
Total cost of engineering and official manage- ment during construction.....		2,000
Incidental expenses		1,000
Total cash valuation of line unequipped		\$150 300

WISCONSIN VALLEY RAILROAD.—PRESENT CASH VALUATION.

CONSTRUCTION OF WISCONSIN VALLEY LINE.

Right of way	\$5,190 85	.....
Land for depot, stations, etc.....	6,881 97	.....
Total cash valuation of all lands purchased.....		\$12,072 82
Grading	127,844 81	.....
Masonry.....	47,288 51	.....
Bridging		
Total cash valuation of substructure		\$175,133 32
Ties and tying	30,638 85	.....
Iron Rail..[No., miles, 70; lbs. wt. per yd 50.]	513,937 33	.....
Chairs, spikes, fish-bar, etc	46,088 73	.....
Laying track.....	31,847 55	.....
Total cash valuation of superstructure....		\$622,012 96
Passenger stations and fixtures. [No., stations 6]	8,018,79	.....
Engine houses. [No., 1]	2,378 94	.....
Turn tables, as per schedule. [No., 3].....	3,123 34	.....
Wood sheds and water stations. [No., 3 water stations.]	6,240 39	.....
Fencing	810 19	.....
Total cash valuation of buildings of every sort, fencing, etc		\$20,471 65
Engineering expenses before and during construction.....	14,203 13	.....
Salaries of officers and agents essential during construction	3,200 00	.....
Total cost of engineering and official management during construction.....		\$17,403 13
Incidental expenses ..	6,440 55	.....
Total cash value of line equipped.....		\$853,533 93
EQUIPMENT OF WISCONSIN VALLEY R. R. LINE.		
Locomotivesdule. [No., 4.]	56,837 54	.....
Passenger cars, 1st class [No., 2.]	21,090 71	.....
Passenger cars, 2d class. [No., 2.].....		
Baggage cars. [No., 2.].....	177,680 88	.....
Freight cars closed. [No., 20.].....		
Platform cars. [No., 250.].....	1,302 22	.....
Machinery and tools to accompany trains		
Total cash valuation of equipment.....		\$256,911 35
Grand total cash value of line equipped..		\$1,110,445 28

This report is up to Oct., 1874, and only includes the line to Knowlton. G. O. Cromwell, A. T.

TABLE showing the Present Cash Valuation of Railroads in Wisconsin, as returned to the Railroad Commissioners, within the month of January, 1875.

NAMES OF ROADS AND BRANCHES.	Length of Divisions.				Valuation Per Mile, Unequipped.	Valuation Per Mile, Equipped.
CHICAGO, MILWAUKEE AND ST. PAUL R. R.	197.30	670.30	\$24,943,358	.....	\$37,146 00	\$43,041 00
Milwaukee to La Crosse	87.00	.....	7,027,067	.....	40,180 00	.....
Watertown to Madison	104.30	.....	1,030,070	.....	27,839 00	.....
Milwaukee to Portage	42.40	.....	8,790,045	.....	86,838 00	.....
Horicon to Berlin	14.20	.....	1,057,788	.....	24,946 00	.....
Rush Lake to Winneconne	194.00	.....	848,060	.....	24,161 00	.....
Milwaukee to Prairie du Chien	43.60	.....	7,638,447	.....	89,843 00	.....
Milton to Monroe	87.30	.....	1,369,275	.....	81,405 00	.....
Milwaukee to State Line	295.76	.....	1,091,038	.....	28,094 00	.....
CHICAGO AND NORTHWESTERN R. R. (proper)	49.45	.....	.....	\$16,363,571.02	55,844 10	62,806 03
Menomonee Extension	129.10	.....	.....	1,420,579 04	31,763 00	28,727 00
Madison Extension	29.00	.....	.....	15,342,169 96	41,380 00	48,344 00
La Crosse, Trempealeau and Prescott	62.63	.....	.....	11,408,219 94	48,490 84	.....
Northwestern Union R. R.	.....	11.00	.....	12,835,307 84	45,270 70	.....
CHIPPewa FALLS AND WESTERN R. R.	.....	218.00	.....	1,180,300 00	16,390 00	.....
GREEN BAY AND MINNESOTA R. R.	.....	49.00	.....	4,073,987 80	.....	19,121 00
MINERAL POINT R. R.	.....	.....	.....	.....	.....	.....
Main Line	31.00	.....	.....	1,128,175 00	.....	86,281 00
Dubuque, Platteville and Milwaukee	18.00	.....	.....	1,431,580 00	28,976 88	.....
OSHKOSH AND MISSISSIPPI R. R.	.....	20.00	.....	3,817,891 71	15,894 55	.....
WEST WISCONSIN R. R.	.....	185.5	.....	4,577,982 82	.....	24,679 00
WISCONSIN CENTRAL R. R.	.....	194.00	.....	6,671,489 83	.....	34,389 00

As unequipped.

Unequipped, and without depot grounds or buildings, save at Oshkosh.

STATEMENT OF LAND GRANTS IN AID OF WISCONSIN RAILWAYS.

Land grants have been made by congress to the state of Wisconsin to aid in the construction of railroads, as follows:

By the act of June 3, 1856,* every alternate section of land designated by odd numbers, for six miles in width on each side of railroads located *from Madison, or Columbus, by the way of Portage City to the St. Croix River or Lake, between townships 25 and 31, and from thence to the west end of Lake Superior, and to Bayfield.*

And from Fond du Lac, on Lake Winnebago, northerly to the state line.

By an act of congress, May 5, 1864,* the grant on the first described route was increased to every alternate odd numbered section *for ten miles* on each side of the road.

By the act of May 5, 1864,* there was also granted every alternate odd numbered section for ten miles on each side of a railroad located *from Portage City, Berlin, Doty's Island or Fond du Lac, as the state might determine, in a northwestern direction to Bayfield, and thence to Superior, on Lake Superior.*

Also, by joint resolution, April 25, 1862,* 80 acres of the Fort Howard Military Reserve, in Brown county.

The total number of acres of land estimated to have been included in these several grants was estimated, in 1868, by the General Land Office, to amount to 5,878,860.50, which was reduced, by report of 1872, to 3,758,436.07.

The grants were disposed of by the state as follows:

LA CROSSE AND MILWAUKEE RAILROAD COMPANY.

The lands which were granted to aid in the construction of a railroad from Madison to Columbus by the way of Portage City to the St. Croix river or lake between townships 25 and 31, and from thence to the west end of lake Superior, and to Bayfield, were conferred upon the La Crosse and Milwaukee Railroad Company, by act of the legislature, approved October 11, 1856. Ch. 122, G. L. 1856.

ST. CROIX AND LAKE SUPERIOR RAILROAD COMPANY.

Subsequently, the lands thus conferred upon the La Crosse and Milwaukee Railroad Company, were divided as follows: From St. Croix to the west end of Lake Superior, and to Bayfield. By an act of the legislature, approved March 5, 1857, the La Crosse and Milwaukee Railroad Company were authorized to convey to the St. Croix and Lake Superior Railroad Company their interest to that portion of the grant applicable to so much of the route as extends from St. Croix lake or river to the west end of lake Superior, and to Bayfield. Chap. 230, P. L. 1857.

* See Appendix.

The legislature by an act approved March 20, 1865, confirmed the grant to the St. Croix and Lake Superior Company. Chap. 175, G. L. 1865.

The act incorporating the St. Croix and Lake Superior Railroad Company was repealed by an act of the legislature approved March 22, 1872. Chap. 88, P. & L. 1872, and the act conferring the lands upon that company was also repealed by the legislature. Chap. 89, P. & L. 1872, approved 22 March, 1872.

MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

By an act of the legislature of the state approved March 17, 1873, the lands which had been conferred upon the St. Croix and Lake Superior Railroad Company and which had relapsed to the state, were granted to the Milwaukee and St. Paul Railway Company upon certain conditions which included those upon which the grant from the United States was made. Chap. 176, 1873.

NORTH WISCONSIN RAILWAY COMPANY.

The Milwaukee and St. Paul Railway Company and the Wisconsin Railway Company, which filed with the Secretary of State June 19th, 1873, articles of association, and an acceptance of the land grant forfeited by the Milwaukee and St. Paul Railway Company, having failed to comply with the conditions required by an act of the legislature of the state approved March 4, 1874, there was granted to the North Wisconsin Railway Company, much of the lands granted by the acts of congress of June 3, 1856, and May 5, 1864, as were applicable to aid in the construction of a railroad from the St. Croix river or lake, between townships 25 and 31, to the west end of Lake Superior and Bayfield, *except* those granted to the Chicago and Northern Pacific Air Line Railway Company.

The condition of the grant being that the N. W. R'y Co. shall construct so much of said railroad the first year "as shall with the amount already constructed make 40 miles, and not less than 20 miles each year thereafter until the entire road is completed."

NORTHERN PACIFIC AIR LINE RAILWAY COMPANY.

By section 8 of said act there was granted to the Chicago and Northern Pacific Air Line Railway Company so much of the aforesaid grants by Congress as is or can be made applicable to the construction of that part of the railway of said company lying between the point of intersection of the branches of said grants, as fixed by the surveys and maps on file in the land office at Washington, and the west end of lake Superior.

The conditions of the grant were that the company should construct that part of its railway above mentioned as soon as a railway shall be constructed and put in operation from the city of Hudson to said point of intersection, and within five years from its acceptance of said lands, shall also construct and put operation the railway of said company from Genoa northerly at the rate of twenty miles per year. Chap. 126, 1874.

The quantity of land estimated by the general land office to be embraced within the limits of the grant from St. Croix to the west end of Lake Superior and to Bayfield, is 1,408,452.69 acres.

WEST WISCONSIN RAILWAY COMPANY.

By acts of the legislature of the state, approved April 1, 1863, and March 29, 1865, so much of the grants of June 8, 1856, and May 5, 1864, as could be made applicable to the construction of a road from Tomah to Lake St. Croix, was conferred upon the Tomah and Lake St. Croix R. R. Co. (now known as the "West Wisconsin"), and so much of the act of October 11, 1856, as would conflict therewith, was repealed. P. & L., chap. 243, 1863, G. L., chap. 282, 1865.

The quantity of land estimated by the general land office to be embraced within the limits of the grant to the West Wisconsin, is 999,983.88 acres.

WISCONSIN RAILROAD FARM MORTGAGE LAND COMPANY.

Lands applicable to the distance from Portage City to Tomah, 61 miles.

On the 28th of Dec., 1857. Gov. Coles Bashford certified to the Secretary of the Interior that the La Crosse and Milwaukee Railroad Company had completed 40 continuous miles of railroad westwardly from Portage city, under the act of Oct. 11, 1856, entitled an act to grant certain lands to the La Crosse and Milwaukee Railroad Company, and to execute the trust created by act of Congress June 8, 1856:

On the 4th of Feb., 1858, Gov. Alex. W. Randall addressed a letter to the Secretary of the Interior requesting that all action be suspended under the certificate of Gov. Bashford until further information was furnished from him.

This request was acceded to by the Commissioner of the General Land Office per letter of Feb. 19, 1858.

On the 28d, of July, 1858, T. A. Hendricks, Commissioner of the General Land Office, addressed a letter to Gov. Randall enclosing one received by him from A. P. Stanton President of the La Crosse and Milwaukee Railroad Co.

The letter from A. P. Stanton recites that by the law the company was entitled to 240 sections of land, when the first 20 continuous miles were completed, and 120 sections of land for each 20 continuous miles of road subsequently completed by the co., and claiming the land due upon the construction of 60 miles of road, 307,200 acres, 40 miles of which had been certified to by Gov. Bashford, and 20 which Gov. Randall refused to certify to. The Commissioner informs Gov. Randall that as the case had been called up he would hold it open until the 15th of August, 1858, to enable him to make his objections to the adjustment of the grant; that if he should not be heard from before that time he would feel at liberty to act upon the showing before him.

Gov. Randall replied, July 28, 1858, stating that the conditions upon which the grant was made by the state to the company had not been complied with, the contract being, that the company should build roads from *Madison, and from*

Columbus by the way of Portage City to the St. Croix river or lake, and from thence to the west end of Lake Superior and to Bayfield; constructing simultaneously from Madison to Portage City, and from Columbus to Portage City as nearly as practicable; both to be completed by the last day of December, 1858; and for the purpose of estimating and selecting the lands granted by congress, the city of Madison was designated as the point of commencement of said road, and the lands were to be selected as the road was built; the first 20 miles completed entitling the company to 240 sections of land, to be selected from the lands within the first 20 miles from Madison, and within the 6 and 15 mile limits, and so on. That no part of the road from Madison to Portage City was built, and it was impossible that the company could fulfill its contract within the time limited. That "the company bought the law by a system of bribery and corruption unparalleled in the history of civilized nations." That they "have been using a large amount of land grant securities to build a piece of railroad from the junction of Tomah to the city of La Crosse, entirely off the line of the road, at a sacrifice of nearly one million of dollars on their par value." He says, "I am called upon to wink at these failures of contract and diversion of lands, and to sit quietly by while the munificent grant made by congress is encumbered by mortgage bonds, and the securities sacrificed at thirty cents on the dollar for purposes never intended by the law making power." * * * "In behalf of the state I protest against the issue of any patent to this state of any lands granted by congress until the question is fully settled here, that, by law, the company is entitled to them. The policy adopted in the west for building railroads has been a bad one. Building roads to *make* business instead of to *accommodate* business, on promises to pay, is a false system. Directors grow rich, the roads languish, and stockholders suffer. I advised against such a system years ago. I anticipated the bitter end that by such courses is sure to come. I fear the ruin and suffering and bitterness it brings in its train."

JUNE 28, 1862. E. L. Buttrick, who had "been appointed an agent to make selection of such lands as the La Crosse and Milwaukee Railroad Company might be entitled to receive," addressed a letter to Gov. Salomon, in which, after reciting the different steps which had been made in regard to the grant of lands claimed by the La Crosse and Milwaukee Railroad, he further states that, Dec. 28, 1857, Gov. Bashford gave a certificate of the completion of 40 miles of the land grant road from Portage City westwardly, and that application had been made to Gov. Randall for a certificate of completion of 20 additional miles, who refused to certify, because Madison was not made the starting point of construction. He says:

"I send statement and report of the directors for 1859, and beg leave to refer to Judge Bronson's opinion, page 16, and correspondence between the president of the company and the Secretary of the Interior, pages 20 and 21, etc., and then asks: "for the certificate which Gov. Randall refused." He further states that the department at Washington does not put the construction of Gov. Randall upon the grant, and quotes Judge Thompson, "that the certificate of the Governor of the state respecting the completion of *any* 20 continu-

ous miles of the road will be received and filed in reference to the specific 20 miles which may be described in such certificate."

Mr. Buttrick further states that it was important to the company that the additional certificate should be issued. The company executed its mortgage, pledging the lands covered by the grant; the bonds had been negotiated on the faith of the land grant security.

The first step in perfecting the title to the lands, after 20 continuous miles have been completed, is the certificate of the Governor upon which the selection contemplated by the acts cited, is based.

The road was sold by United States Marshal, 25th April, 1863, to Wm. H. White and Wm. W. Pratt, who filed articles of association with the Secretary of State on May 5, 1863, as the *Milwaukee and St. Paul Railroad Company*.

These articles of association provided that the new company should have all the rights of the La Crosse and Milwaukee Company to all or any part of the lands which had been or might thereafter be granted or acquired from the United States to aid in the construction of railroads.

All moneys derived from the sale of lands to be paid to the trustees of certain mortgage bonds, which were to be received at par, and accrued interest, in payment for lands.

June 20, 1863, A. Finch, Jr., addressed a letter to Gov. Salomon in behalf of the Milwaukee and St. Paul R'y Co., as the purchasers of the La Crosse and Milwaukee Railroad, Western Division, under a foreclosure sale of the land grant mortgage, so called, on that division, and requested him "to issue the proper certificate for the land which the said company was entitled to by virtue of the purchase."

August 1, 1863, A. Finch, Jr., again addresses Gov. Salomon, saying: "Yours of 1st received, in which you refuse to issue the certificate as requested by the Milwaukee and St. Paul Railway Co." "Is your mind fully and unalterably made up?"

Chapter 446, of P. & L. Laws of 1868, approved March 6, 1868, entitled *an act to incorporate the Wisconsin Railroad Farm Mortgage Land Company*, recites as follows:

WHEREAS, Certain owners of farms and other lands in this state mortgaged the same to aid in building the railroads now or recently known as the "*La Crosse and Milwaukee Railroad*," and the "*Milwaukee and Horicon Railroad*," by reason of which the said mortgagors have suffered great injury; and

WHEREAS, The "*Milwaukee and St. Paul Railway Company*," the successors of the above named railroad companies, and the present owners of their lines of railroads, is willing to relinquish in favor of said mortgagors its claims to certain lands donated by congress to aid in the construction of said railroads, and more especially its claim to all and singular the lands to which they are or may be entitled by reason or on account of the building or construction of a railroad from Columbus, in the state of Wisconsin, by the way of Portage City, to Tomah, in said state of Wisconsin, by virtue of an act of congress, entitled "an act granting a portion of the public lands to the state of Wisconsin, to aid in the construction of railroads," approved

June 8, 1856, upon the condition that the state of Wisconsin shall relinquish its right to tax the said Milwaukee and St. Paul Railway Company, or its traffic, for or on account of its being the owner of said lands, as provided by chapter 122, laws of 1856, or the successor to the grantee or donee of said lands so granted by congress to aid in the construction of said railroads; and,

WHEREAS, It is desirable that the said mortgagors should receive all the benefits which they can from such lands, and to that end the legislature of the state of Wisconsin is willing, and does hereby consent and agree that said lands may be used, devoted and applied to and for the use and benefit of the said mortgagors, and to carry out and accomplish the end and purpose aforesaid.

The act further provided for a commission which should take charge of the whole matter and report annually.

By chap. 56, P. & L. Laws of 1871, approved February 11, 1871, the commissioners were designated the "Wisconsin Railroad Farm Mortgage Land Company."

By act of congress July 27th, 1868, approved July 27, 1868*, the legislature of the state of Wisconsin was authorized to dispose of the lands granted and which may have enured and been certified to the state of Wisconsin under the act of June 8, 1856, to aid in the construction of the La Crosse and Milwaukee Railroad, for the benefit of the Wisconsin Railroad Farm Mortgage Land Company, existing under and by virtue of the laws of Wisconsin: *Provided, however*, that the act apply only to such lands as may be due the state of Wisconsin for the portion of said road already completed.

On the 15th Sept., 1868, the Milwaukee and St. Paul Railroad Company gave a quit-claim deed to the Wisconsin Railroad Farm Mortgage Land Company, which recites, among other things, that the act of Oct. 11, 1856, confirming land grants, had been accepted by the *La Crosse and Milwaukee Railroad Company*. That Dec. 31, 1856, for the purpose of borrowing money, said company has issued its bonds secured by deed of trust, covering its line of proposed road from Madison by way of Portage City to St. Croix river or lake, and by said deed of trust had conveyed all such interest as said railroad company had then or might thereafter acquire in all the land granted by the act of Oct. 11, 1856, so far as the lands were applicable to the construction of the road from Madison by way of Portage City to St. Croix river or lake.

That the La Crosse and Milwaukee Railroad Company subsequently built and completed 61 miles of said road, to-wit, from Portage City to Tomah, *but never received any title to, or conveyance of said lands, or any portion thereof except as above specified.*

That the said company subsequently made default in the payment of the interest on said bonds, and thereupon said trustees filed their bill of foreclosure of trust deed in U. S. District Court on December 5, 1869. Sale was had by U. S. Marshal, April 25, 1869, and all the interest of the La Crosse and Milwaukee Railway Company in and to said lands, sold to Wm. H. White and Wm. W. Pratt, the sale being confirmed by the Circuit Court of the United States.

* See Appendix.

That Messrs. White and Pratt, subsequently, on May 5, 1863, conveyed to the *Milwaukee and St. Paul Railway Company* their title.

On the 7th of March, 1870, the Governor of the state executed to the Commissioners of the Farm Mortgage Company a trust deed for 28,981 $\frac{1}{10}$ acres of land, which deeds recites as follows:

The act of congress, June 3, 1856.

The act of the legislature of Wisconsin of October 11, 1856.

That on the 16th of December, 1863, a list of the lands within six mile limits, granted to the state by said act of congress, was approved to the state by the Secretary of the Interior, *in which list were included the lands hereinafter described.*

That the La Crosse and Milwaukee Railroad duly accepted said grant, and subsequently, and within the time limited in said act, built and completed sixty-one continuous miles of railroad, being from Portage City to Tomah, but never received title to or conveyance of said lands, or any portion thereof, except as above specified.

The act of the legislature of March 6, 1868, is then referred to, and the act of Congress of July 27, 1868, and the quit-claim deed of the St. Paul Railway Company, September 15, 1868. And that on the 25th of January, 1869, the Governor of Wisconsin certified to the Secretary of the Interior that said 61 miles had been completed.

Also a second trust deed was issued by the Governor of Wisconsin to the said company, on the 8th of April, 1871, for 39,889 $\frac{1}{10}$ acres of land.

The total amount of land conveyed by the two deeds, was 68,820.21 acres.

The list of December 16, 1863, which is referred to in the two trust deeds is recorded in the office of Secretary of State, and reads as follows:

“North of base line, and east of 4th meridian. La Crosse and Milwaukee Railroad. Stevens Point District. La Crosse and Milwaukee Railroad.

SIX MILE LIMITS.

“List of lands in the district of lands subject to sale at the land offices at Stevens Point, La Crosse, Falls of St. Croix, Eau Claire and Menasha, Wisconsin, granted to Wisconsin by the act of Congress, approved June 8d, 1856, which were vacant, unsold and unappropriated, or to which the right of pre-emption had not attached when the line or route of said road was definitely fixed.”

Then follows list of lands amounting in the aggregate to 824,704.78 acres. And then the following certificate:

“I, James M. Edmonds, Commissioner of General Land Office, do hereby certify that the foregoing on pages one to thirty-one inclusive, is a true and correct list of the tracts of land within the six mile limits granted to the state of Wisconsin by the act of Congress approved June 3, 1856, entitled, * * *, being the vacant and unappropriated lands in the alternate sections designated by odd numbers for six sections in width on each side of the railroad from Madison to Columbus by the way of Portage City to the St. Croix River or lake between townships, 25 and 31, known as the La Crosse and Milwaukee

Railroad, within the state of Wisconsin, and they are now submitted for the approval of the Secretary of the Interior in accordance with the requirements of said act of June 8, 1856, subject to all its conditions, and to any valid interfering right which may exist to any of the tracts embraced in the foregoing list.

"In testimony whereof I have hereunto subscribed my name, etc., etc.,

"J. M. EDMONDS,

"*Commissioner.*"

"DEPARTMENT OF INTERIOR.

DECEMBER 18, 1863.

"Approved subject to the conditions and right above mentioned.

J. P. USHER,

Secretary.

"GENERAL LAND OFFICE.

DECEMBER 24, 1863.

"I, James M. Edmonds, Commissioner, do certify that the annexed copy is a true and literal exemplification of original on file in this office.

In testimony, etc.,

J. M. EDWARDS,

Com. Gen'l Land Office."

Chap. 89 of the P. and L. Laws of 1872, approved March 22, 1872, repeals the grant conferred by chap., 175 of G. L. of 1865 upon the St. Croix and Lake Superior Railroad, to lands acquired by the state through the acts of congress of June 8, 1856 and May 5, 1864.

* * * *provided*, Nothing in the act shall be construed to impair the rights of the Wisconsin R. R. Farm Mortgage Co. to the grant of land made by congress to the state of Wisconsin, June 3, 1856.

By sec. 1, chap. 98, P. and L. Laws of 1872, approved March 23, 1872. The "Wisconsin Railroad Farm Mortgage Land Company" was declared to be the legal successor (as to the rights acquired and conferred in, and to a portion of the lands granted by congress to the state of Wisconsin by an act approved June 8, 1856) of the La Crosse and Milwaukee Railroad Company, as fixed and reserved in and by the contract entered into by and between the *La Crosse and Milwaukee Railroad Company*, and the *St. Croix and Lake Superior Railroad Company*, which contract was executed by the said companies, on the 10th day of March 1857, and was as required by law, filed and recorded in the office of the Secretary of State, on the 19th day of November, 1857. (Page 298.)

The portion of the contract referred to, reads thus:

"But it is hereby expressly understood between the parties hereto, that the said La Crosse and Milwaukee Railroad Company possesses, and does not surrender or release the right of selecting any lands within fifteen miles of, and more than six miles from the route of the said road or roads between the St. Croix river or lake and the west end of Lake Superior, and also between said route and Bayfield, for the purpose of making up any deficiency which

does or may exist in the quantity of lands to which the said La Crosse and Milwaukee Railroad Company is or may be entitled, upon that part of its line extending from Madison to the St. Croix river or lake."

By section 2 of said chapter 98, it was made the duty of the governor of the state of Wisconsin to convey to the said company "out of the lands so granted to the state by the aforementioned act of congress, approved June 8, 1856, such quantity of said lands which have been or hereafter may be made applicable thereto as shall make, together with the lands heretofore conveyed to the said Wis. R. R. Farm M. Land Co. the exact amount of six sections for each mile of the railroad constructed by the La Crosse and Milwaukee Railroad Company, from Portage City to Tomah, being a distance of sixty-one miles."

[The subjoined communication received from the Commissioner of the General Land Office, since this report was placed in the hands of the printer, will be of interest in this connection.]

" DEPARTMENT OF THE INTERIOR,

" *General Land Office,*

" WASHINGTON, D. C., Jan. 7, 1875.

" J. H. OSBORN, Esq., *Railroad Commissioner for Wisconsin, Madison:* 2

" SIR: In reply to your letter of 9th ultimo., respecting the grant to the ' Wisconsin Railroad Farm Mortgage Land Company,' I inclose herewith, copies of the following, which fully explain the status of said grant:

" Letter to Governor L. Fairchild, of March 24, 1869. .

" Letter to Stoddard Judd, Esq., President of said last company, of June 12, 1869.

Very respectfully,

S. S. BURDETT,

Commissioner."

" COPY."

" DEPARTMENT OF THE INTERIOR,

" *General Land Office,*

" June 12, 1869. 7

" STODDARD JUDD, Esq., *President Wis. Farm Mort. R. R. Co., Madison, Wis.*

" SIR:—I have received and considered your communications of April 19 and May 18, relative to the force and effect of the act of July 27, 1868, 'amendatory of an act entitled an act granting public lands to the state of Wisconsin to aid in the construction of railroads in said state,' approved June 8, 1856. In reply to an inquiry of the governor of Wisconsin, I addressed him on the 24th of March last, expressing the opinion that the effect of the above act was to authorize the legislature of the state to pass the lands within the limits of the La Crosse and Milwaukee road along the line constructed prior to July 27, 1868, *south* of Tomah to the Farm Mortgage Company.

" It is now claimed by the company in your argument of the 18th ult., that as they have built 61 miles of road, they are entitled to 480 sections of land, and that the same should be taken from any of the lands certified under the grant of 1856, for this road, known as the La Crosse and Milwaukee, makes it obligatory upon the state of Wisconsin to dispose of the lands granted for the purpose of building that road, and for no other purpose.

"It is understood by this office that the legislature designated the La Crosse and Milwaukee Company to build the road and receive the grant.

"The act of July 27, 1868, is meant to relieve the state of the obligation incurred by the act of congress and its own legislative enactments, and to authorize the legislature to dispose of the lands for the Farm Mortgage Company. As the act of 1864, authorizes a road from Tomah to St. Croix river or lake, and makes a grant therefor, and as the company holding that grant have built the road from Tomah westward, we certainly cannot recognize the right of another company to select lands within their limits. Hence any selections on account of the Farm Mortgage Company, as assignees of the La Crosse and Milwaukee Company, under the act of 1856, must be restricted to the grant of 1856, south of Tomah.

"The only question then is how much of the lands heretofore certified may be sold for the benefit of the Farm Company. The opinion expressed by us was that only so much as fall south of Tomah could be disposed of for that purpose, because north of that point the grant of 1864 held, and the lands certified north of Tomah are required to be charged to that grant.

"Under the grant of 1864, the Tomah and St. Croix Railroad Company, as the corporation authorized by the state to build the road, had complied with all the conditions of the grant and commenced the construction of their road from Tomah northward prior to the passage of the act of 1868. They had thus acquired vested rights which could not be interfered with, and which, certainly, by the terms of the act, attached to the lands previously certified and lying between the termini of their road.

"Further, the principles governing the department in the adjustment of all railroad grants is, that the company can acquire no right to lands beyond the termini of the road, and as that portion of the La Crosse and Milwaukee road, under the act of 1856, now in the hands of the Farm Mortgage Company, does not extend northward beyond Tomah, we hold to the opinion of our former letter, that said company have no right to the certified lands beyond that point.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Commissioner."

"COPY."

"DEPARTMENT OF THE INTERIOR,

"General Land Office, March 24, 1869.

"His Excellency, LUCIUS FAIRCHILD, Governor, Madison, Wisconsin:

"SIR:—I have had the honor to receive your communication of 8th inst., asking for a copy of our instructions relative to the selection and location of lands granted to states and railroads—and requesting that we will inform you as to what lands shall be disposed of under the several railroad acts.

"As per request, I herewith enclose the copy of instructions, and upon a careful examination of the statutes, reply to your inquiries as follows:

"1st. The act of 3d June, 1856, makes a grant of land to Wisconsin for the La Crosse and Milwaukee Railroad from Madison or Columbus to St. Croix Lake.

"2d. The act of May 5, 1864, makes a grant for a road from Tomah to St. Croix Lake and directs that the lands granted under the former act shall be charged to the present grant.

"3d. The act of July 27, 1868, authorizes so much of the lands certified to the state under the act of June 3, 1856, as are due the state for the portion of the St. Croix and Milwaukee Road completed, to be sold for the benefit of the 'Wisconsin Railroad Farm Mortgage Land Company.'

"4th. The governor of the state has certified to the completion of the road from Portage City to Tomah, a distance of sixty-one miles: and

"5th. Of the completion of the Tomah and St. Croix Railroad, from Tomah to Black River Falls, a distance of 81¼ miles.

"The dividing line between the two roads, we think, would properly be the north line of town 17 N.

"In the opinion of this office, the lands then between Portage City and To-

mah, so far as the same are required for the satisfaction of the completed portion, may be sold for the benefit of the Wisconsin Railroad Farm Mortgage Company, and those between Tomah and Black River Falls, for the benefit of the West Wisconsin Railroad Company.

"The lands certified to the state under the act of 1856, are of sections 'in place,' that is within the six mile limits.

"The lands within the indemnity limits have not as yet been selected, therefore the state or its agents is entitled to select for the benefit of the Farm Mortgage Company indemnity lands within the fifteen mile or indemnity limit of that part of the road completed between Portage City and Tomah.

"The land grant of the La Crosse and Milwaukee road, north and west of Tomah, is now superceded by the Tomah and St. Croix Railroad grant, and all lands other than those heretofore certified under act of 1856, must be selected and patented under the act of May 5, 1864.

"For the finished portion of that road they are entitled now to select the lands due for such completed part, and upon such selections being reported in accordance with the instructions contained in the enclosed circular, they will receive the prompt action of this office.

"I am, sir, very respectfully,

JOS. S. WILSON,
Commissioner."

The report of the Farm Mortgage Commissioners, dated Feb. 2, 1874, states that since the organization of the Wisconsin Railroad Farm Mortgage Land Company, it had received in trust the title to 68,920²/₁₀₀ acres of land.

Claims had been filed with the Commissioners by mortgagors to the La Crosse and Milwaukee Railroad Company, and to the Milwaukee and Horicon Railroad Company, amounting in the aggregate to \$951,356.25.

44,850 acres of land had been sold, leaving nearly 24,000 acres on hand.

The total receipts were \$45,627.97. The Commissioners state that unless the company obtain more land, it was not probable that the dividends would ever reach 10 per cent. of the claims allowed.

1. It will be seen that the La Crosse and Milwaukee Railroad Company, up to June, 1862, claimed to be entitled to the amount of lands due for the completion of 60 miles of road, amounting, at the rate of six sections per mile, and 240 sections for the first 20 miles, and 120 sections for each succeeding 20 miles, to 807,000 acres of land, and at any rate to have received the certificate of Gov. Bashford for the completion of 40 miles, which entitled them to 360 sections, or 230,400 acres of land.

2. That on 25th April, 1863, the La Crosse and Milwaukee Railroad was sold by the U. S. Marshal to W. H. White and W. W. Pratt, and that on the 5th May, 1863, those parties conveyed the same, with all the lands to which the said road might be entitled, to the Milwaukee and St. Paul Railway Company.

3. That in June, 1863, and also in August, 1863, the Milwaukee and St. Paul Railway Company applied to Gov. Salomon for his certificate, which was refused.

4. That, Dec. 16, 1863, a certified list of vacant and unappropriated lands within the six mile limits, and on the route of the La Crosse and Milwaukee Railroad, amounting to 824,704 acres of land, was received and recorded in the office of the Secretary of State.

5. That by the act of the Wisconsin legislature, March 6, 1868, the Wisconsin Railroad Farm Mortgage Land Company was authorized to receive all the lands that the La Crosse and Milwaukee Railroad was entitled to for building the road from Portage City to Tomah.

6. This act of the Wisconsin legislature was approved by congress, 27th July, 1868, "for such lands as may be due the state for the portion of the road already completed."

7. The 15th Sept., 1868, the Milwaukee and St. Paul Railway Company quit-claimed to the Wis. R. R. F. M. L. Co., and state that the La Crosse and Milwaukee R. R. Co. completed the 61 miles from Portage City to Tomah, but never received title or conveyance of said lands or any portion thereof.

8. That January 25, 1869, Governor Fairchild certified to the Secretary of the Interior that the 61 miles had been completed.

9. That March 7, 1870, Governor Fairchild executed a deed of trust to the Wisconsin Railroad Farm Mortgage Land Company for 28,931.10 acres of land, which lands were included in the list of 324,704.78 acres, dated December, 1863, and on the 8th of April, 1871, executed to said company another trust deed for 39,889.11 acres, from list of 28th of September, 1870, in all 68,820.21 acres of land, as vacant and unappropriated and applicable to the route of the La Crosse and Milwaukee Railroad, and to the Wisconsin Railroad Farm Mortgage Land Company.

10. The act of 22d of March, 1872, repealed the grant to the St. Croix and Lake Superior Railroad Company, covering lands from St. Croix to the west end of Lake Superior and to Bayfield; "*provided*, nothing in the act shall be construed to impair the right of the Wisconsin Railroad Farm Mortgage Land Company to the grant of land by congress, June 3, 1856."

11. The act of March 23, 1872, declares that the Wisconsin Railroad Farm Mortgage Land Company is entitled to the right reserved by the La Crosse and Milwaukee Railroad Company in its contract with the St. Croix and Lake Superior Railroad Company, the 10th of March, 1857. (The reserve in the contract was for the purpose of making good any deficiency in the quantity of land received by the La Crosse and Milwaukee on the route from Madison to St. Croix, outside of the six and inside of the fifteen mile limits.)

Section two makes it the duty of the Governor to convey to the Farm Mortgage Company such quantity of land as, together with the lands heretofore conveyed to the Farm Mortgage Company, will make six sections for each mile of railroad from Potage City to Tomah.

FROM MADISON TO PORTAGE.

By chapter 283 of the private and local laws of 1861, approved April 12, 1861, so much of the lands granted the state June 3, 1856, "as is or can be made applicable to the construction of that part of said railroad lying between the city of Madison and the city of Portage," was granted to the "*Sugar River Valley Railroad Company*," and so much of the act of Oct. 11,

1856, as granted such portion of the grant to the *La Crosse and Milwaukee Railroad Company*, was repealed.

By chapter 117 of the private and local laws of 1870, approved 25th Feb., 1870, the portion of the Sugar River Valley Railroad Company between the Milwaukee and Prairie du Chien Railway and Portage City, was incorporated as the *Madison and Portage Railroad Company*, and the 9th of August, 1870, a deed was issued by the President of the Sugar River Valley Railroad Company to the Madison and Portage Railroad Company.

The Madison and Portage Company absorbed the "Portage, Friendship, Grand Rapids and Stevens Point Railroad Company," and Dec. 6, 1871, the Madison and Portage and Rockford Central, of Illinois, were consolidated under the name of the "*Chicago and Superior Railroad Company*." Art. 9, of this agreement, reads thus:

"The claim of the present Madison and Portage Railroad Company to a land grant for the section of said road from Madison to Portage if at any time allowed by the department or congress in whole or in part, shall belong to such section exclusively, the same having been used in the construction thereof. It is hereby understood and agreed that all property and right of property growing out of said land grant is now vested in the owners (legal and equitable) of the "Land Grant Scrip" — (so called), heretofore issued by the Madison and Portage Railroad Company; that the said company has executed an instrument purporting to convey in trust for such scrip holders all right, title and interest in and to the lands aforesaid."

The distance from Madison to Portage is 39 miles, and at six sections per mile, the quantity of land applicable to this portion of the land grant route, would be 149,760 acres.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

From Fond du Lac Northerly to the State Line.

By chapter 137, of the general laws of 1856, approved 11th of October, 1856, this grant was conferred upon "the Wisconsin and Superior Railroad Company." It subsequently came into the possession of what is now known as the Chicago and Northwestern Railway Company.

By a joint resolution, April 25, 1862, the word "northerly" was construed to mean within ranges sixteen to twenty-three, inclusive, east of the fourth meridian, and the line of the railroad which had been located, was authorized to be changed to within those limits, but at the same time the *lands were authorized to be selected along the route of the road as it had been originally located.*

By the same resolution the state was authorized to select from the "Fort Howard Military Reservation, eighty acres of land, to aid a railroad from Appleton to Green Bay.

By a joint resolution, May 20, 1868, a patent for this eighty acres of the "Fort Howard military reserve," was directed to be issued to the Chicago and Northwestern Railway Company.

It appears by ch. 57, laws of 1868, of the state of Wisconsin, that the "Chicago and Northwestern Railway Co.," which had received the grant to aid in constructing a railroad from Fond du Lac northward to the state line, had caused the first two hundred and forty sections of land to which it might become entitled, to be appraised, and that the 153,600 acres were appraised at \$1,840,000, or about \$12 per acre; and that about 1859 that railway company issued "to persons aiding in the construction of its railroad," "*convertible land grant certificates*" entitling the holders thereof to receive said lands in proportionate shares, the proportion being such as the amount of money for which the same was given, and expressed therein, bore to \$1,840,000.

By section 5 of said chapter 57, these certificates were authorized to be received in payment for the purchase of the lands included in the grant; but the price was to be at least twelve dollars per acre. This grant was six miles wide, deficiencies to be made up by selections within fifteen mile limits. The grant was estimated to embrace 600,000 acres of land, and up to June 30, 1873, 522,144.51 acres had been certified or patented.

The first 240 sections, or 153,600 acres, appraised by the company at \$12 per acre, would yield	\$1, 840, 000 00
The balance of the grant, 446,400 acres, estimated at \$5 per acre, would yield	2, 232, 000 00
Total	<u>\$4, 072, 000 00</u>

The distance from Fond du Lac to Menomonee is 116.9 miles, making the value of the grant, at a moderate computation (and without including the eighty acres of the "Fort Howard military reserve," which is believed to be very valuable), almost \$35,000 per mile for the entire distance.

[The subjoined communication was received while the report was passing through the press.]

"CHICAGO AND NORTHWESTERN RAILWAY COMPANY,

"Land Department,

"CHICAGO, Jan. 2, 1875.

"Hon. J. H. OSBORN, R. R. Com. of Wis., Madison, Wis.

"DEAR SIR: In answer to your inquiries respecting the land grant of the Chicago and Northwestern Railway Company in Wisconsin, I would state, that I find that the Commissioner of the General Office, in his report of 1873, estimated the quantity of land in the grant at 600,000 acres.

"I find, on examination, that of this amount, there was received by the Chicago, St. Paul and Fond du Lac Railroad Company, 211,063²¹/₁₀₀ acres, which were sold under the mortgages given by said company on decree of court, and I have no means of determining what they were sold for.

"That the Chicago and Northwestern Railway Company has received about 350,401⁷⁴/₁₀₀ acres, and have sold 30,418²⁴/₁₀₀ acres of the best and most valuable of the lands received by it, (they being bought for the pine timber on the same), for the amount of \$96,881²²/₁₀₀ being an average of \$3¹/₁₀₀ per acre.

"I have no means of determining what could be realized for the balance of said lands, but if the company could get a bona fide offer of \$1.25 per acre for the balance, so that it could get released from further payment of taxes and expenses on the same, I would most certainly recommend its officers to accept the offer.

The company claim about 24,000 acres more of land. If it gets the same, there will be a deficiency of about 14,500 acres.

Very truly yours,

GEO. P. GOODWIN,
Land Com.

FROM PORTAGE CITY, BERLIN, DOTY'S ISLAND OR FOND DU LAC, IN A NORTHWESTERN DIRECTION, TO BAYFIELD, AND THENCE TO SUPERIOR, ON LAKE SUPERIOR.

(Wisconsin Central.)

This grant was made May 5, 1864, vol. 13, page 66, U. S. Statutes. The grant is ten miles wide, and deficiencies are to be selected within twenty mile limits.

The grant was conferred by the legislature of the state of Wisconsin, partly upon the "Winnebago and Lake Superior Railroad Company," and partly upon the "Portage and Superior Railroad Company." The former April 6, 1866, chap. 314; and the latter April 9, 1866, chap. 362.

The two companies were consolidated under the name of the "Portage, Winnebago and Superior Railroad Company," March 6, 1869, chap. 257.

By joint resolution, adopted by congress June 21, 1866, the words, "in a northwestern direction," were construed to authorize the location of the road from Portage City, by the way of Ripon and Berlin, to Stevens Point, and thence to Bayfield, and thence to Superior, on Lake Superior.

By act of the legislature of the state of Wisconsin, approved February 4, 1871, the name of the company was changed to the "Wisconsin Central Railroad Company."

In 1869, the quantity of land estimated to be included in this grant, as shown by the report of the Commissioner of the General Land Office for that year, was 1,800,000 acres. But, in the report for 1873, this estimate was reduced to 750,000 acres.

The following exhibit was received in answer to a letter of inquiry addressed to the land agent of the company by the Commissioners:

"WISCONSIN RAILROAD COMPANY,
"MILWAUKEE, Wis., Dec. 29, 1874.

"Hon. J. H. OSBORN, *R. R. Commissioner, Madison:*

"DEAR SIR: In reply to yours of 30th ult., I have to state the following in regard to the land grant to the Wisconsin Central Railroad Company:

Total line to which grant was made.....miles..	373
granted (6.400 acres per mile).....acres..	2,387,200.00
available (including indemnity).....acres..	814,180.00
deficiency.....acres..	1,573,020.00
patented to company.....acres..	398,338.43
sold.....acres..	2,122.24
received for land.....	\$6,130 45
received for town lots.....	2,867 50
received for pine (stumpage).....	4,806 65

"Present price of pine stumpage, \$2 per M.

Very respectfully,

FRANK W. WEBSTER,
Land Agent."

TABLE of Land Concessions, per Report of Commissioners of the General Land Office, 1873.

Date of Law.	Chap. of Laws	Sec.	Name of Road.	Mile Limits.	Estimated quantity embraced in the limits of the grant.	Estimated quantity which the company will receive from the grant.	Number of acres certified or patented up to June 30, 1873.	Time when the railroad rights attach to the lands granted so far as deter- mined.
June 3, 1856	11	20	West Wis., formerly La Crosse and Milwaukee.	6 and 15	999,983.38	800,000.00	734,124.20	From Madison to Portage, June 16, 1857. From Portage to Lake St. Croix, under act of May 10, 1857, March 28, 1863.
May 5, 1864	13	66	West Wis., formerly La Crosse and Milwaukee.	10 and 20				
March 3, 1873	17	634	St. Croix and Lake Sup. and branch to Bayfield.	6 and 15	524,714.95 818,737.74	724,718.00	524,718.15	Nov. 2, 1867, entire main line, except between Prescott and the south line of township 34 north, which was from Nov. 24 to Dec. 8, 1867, survey in the field. Branch line from survey in the field, which was between May 3 and June 10, 1868. April 23, 1865, to additional grant under act of May 5, 1864.
May 5, 1864	13	66	St. Croix and Lake Sup. and branch to Bayfield.	10 and 20	350,000.00 215,000.00	468,740.00	818,740.80	Survey in the field, which was be- tween May 1, '68 and Oct. 15, '67.
June 3, 1856	11	20	Chicago & Northwest'n.	6 and 15	600,000.00	600,000.00	522,144.51	Sept. 7, '60, certified or patented up to 30 June '74, 54,527.61 acres.
April 26, 1863	13	618	Wisconsin Central.	10 and 20	750,000.00	750,000.00	38,706.12	
March 3, 1869	15	807	Wisconsin Central.					
May 5, 1864	13	66	Wisconsin Central.					
June 21, 1866	14	360	Wisconsin Central.					
Add amount deeded to Farm Mortgage Company.					3,758,438.07	3,818,458.00	2,153,434.98	
Add part of Fort Howard Military Reserve, patented to Chicago and Northwestern, May 20, 1866						68,820.21		
						80.00		
					3,758,438.07	4,12,358.21	3,153,484.98	

¹ Act to quiet title to the lands of the settlers on lands claimed by the West Wis. R. R. Co.

² Authorizing selection of lands along the full extent of original route of road, etc.

³ Resolution explanatory of the act of May 5, 1864, and authorizing certain changes of width in accordance with the act of the state legislature.

TABLE showing the amount of Aid rendered Railroad Companies by the several Counties, Towns and Cities of the State, as reported by the Clerks thereof to the Railroad Commissioners.

This table can be considered only an approximation to the real amount of aid rendered in the way of bonds, right of way, etc., as the returns are very incomplete and indefinite.

COUNTIES, TOWNS AND CITIES.	RAILROAD COMPANIES.	AMOUNT OF AID AUTHORIZED.				1871	30	7	Amount of Bonds Issued.	Amount of Principal Paid on Bonds or Block.	Amount of Interest Paid on Bonds.	Amount of Principal and Interest Owed to said Railroads.	Total Amount Paid and Owed for Aid to Railroads.
		By Bonds or Block.	By Cash or Right of Way.	Total.									
ASHLAND ¹	Wisconsin Central.	\$200,000	\$20,000	\$220,000	1871	30	7	\$200,000	.....	.....	.....	\$200,000	\$220,000
BAYFIELD ²	Por., Win. & Sup.	.....	.....	1,500	1869	.....	.....	.....	.....	.....	.....	1,500	1,500
BROWN—													
Fort Howard...	Chi. & Northwest'n	15,000	.....	15,000	1862	.....	8	15,000	\$12,750	.....	.....	.....	.....
Fort Howard...	Green Bay & L. Pep	20,000	.....	20,000	1869	.....	10	20,000	12,500	.....	.....	29,750	29,750
Fort Howard...	Green Bay & L. Pep	20,000	10,000	30,000	1871	.....	7	20,000	.....	.....	.....	.....	.....
Lawrence.....	Chi. & Northwest'n	.....	488	488	.....	.....	.....	.....	.....	.....	.....	.....	488
CALUMET—													
New Holstein ..	Mil. & Northern...	30,000	.....	30,000	1871	.....	8	30,000	.....	720	.....	30,000	30,720
Chilton.....	Mil. & Northern...	25,000	.....	25,000	1871	.....	8	25,000	.....	600	.....	25,000	25,600
Charlestown....	Mil. & Northern...	20,000	.....	20,000	1871	.....	8	20,000	.....	450	.....	20,000	20,450
COLUMBIA—													
West Point.....	Chi. & Northwest'n	5,000	250	5,250	1872	.....	.....	5,000	.....	720	.....	5,000	5,720
Fall River.....	Mil. & Watertown.	15,000	.....	15,000	1855	.....	.....	6,000	6,000	8,603	.....	.....	14,603
Dekorra.....	Madison & Portage	8,000	.....	8,000	1870	..	8	8,000	.....	.....	.....	2,560	10,560

¹ The terms were \$100,000. to be delivered on completion of road to Penoka; balance on completion through the county. But all were delivered at once.
² County orders.

Amount of Aid Rendered Railroad Companies, etc.—continued.

COUNTIES, TOWNS AND CITIES.	RAILROAD COMPANIES.	AMOUNT OF AID AUTHORIZED.			Date.	Years to run.	Rate of Interest.	Amount of Bonds Issued.	Amount of Principal Paid on Bonds or Block.	Amount of Interest Paid on Bonds.	Amount of Principal and Interest owing to Aid Railroads.	Total amount Paid and Owning for Aid to Railroads.
		By Stock.	By Cash or Right of way.									
COLUMBIA—	Portage ¹	\$15,000	.....	\$10,000	1870	.....	7	\$15,000	\$10,000	\$2,952	\$5,175	18,127
	Lodi	25,000	15,000	40,000	1871	.....	7	85,000	.....	5,707	85,000	40,787
	Poynette	12,000	8,500	15,500	1870	.....	.....	12,000	10,000	2,200	2,400	15,200
	Poynette	4,250	.....	4,250	.....	.....	.....	4,250	.....	.....	4,250	4,250
	Columbia	25,000	.....	25,000	1855	.....	.....	15,000	15,000	12,000	.....	27,000
DANE—	Madison city	100,000	.....	100,000	1857	.....	.....	83,000	33,000	10,000	67,000	183,298
	Madison city .....	.....	23,108	23,108	1868	.....	.....	.....	23,000	.....	1,190	
	Madison city .....	.....	25,000	25,000	1872	.....	.....	25,000	.....	.....	.....
	Madison city .....	.....	25,000	25,000	1872	.....	.....	.....	.....	.....	.....
	Windsor	6,000	5,200	11,200	1870	.....	.....	6,000	6,000	1,287	.....
DUGLAS— ²	Stoughton vill.	360	.....	360	.....	.....	.....	.....	.....	.....	.....	12,487
	Sun Prairie .....	.....	6,000	6,000	.....	.....	.....	.....	.....	.....	360	360
	Superior & St. Cr.'s ..	850,000	.....	850,000	1872	.....	8	850,000	.....	.....	856,000	6,000
	Sheboy'n & F. du L. ..	90,000	.....	90,000	.....	.....	.....	90,000	.....	.....	.....	856,000
	N. W. Union	15,000	.....	15,000	.....	.....	.....	15,000	10,000	502	5,800	90,000
FOND DU LAC ³ —	Ashland	50,000	.....	50,000	1856	.....	.....	50,000	10,000	.....	40,000	16,100
	Ripon	15,000	.....	15,000	1871	.....	7	50,000	10,000	.....	40,000	50,000
	Ripon	80,000	.....	80,000	1872	.....	10	15,000	15,000	.....	.....	15,000
	F'd du Lac, city	800,000	.....	800,000	.....	.....	7	80,000	500	.....	40,000	40,000
	Chicago & N. W.	75,000	.....	75,000	1872	.....	.....	.....	.....	.....	75,000	800,000
ROSENDALE	F. du L. & Alr Line ..	18,000	.....	18,000	.....	.....	.....	.....	.....	.....	.....	75,000
	Sheboy'n & F. du L. ..	.....	.....	.....	.....	.....	.....	8,925	1,941	.....	2,975	11,900

GREEN LAKE—		20,000	100,000	20,000	12,000	2,940	20,000	22,900
Princeton ¹	Sheboy'n & F. du L.	100,000	100,000	100,000	72,500	.....	60,000	60,000
Berlin, city ²	Mil. & Horicon	28,728	28,728	28,728	28,728	7,127	21,601	41,568
Berlin	Mil. & Horicon	20,000	20,000	20,000	8,000	.....	2,000	5,525
Brooklyn ³	Sheboy'n & F. du L.	5,000	5,000	5,000	.....	525	.....	.....
St. Marie	Sheboy'n & F. du L.	40,000	40,000	40,000	.....	.....	.....	.....
GRANT—		60,000	60,000	60,000	60,000	56,000	66,000	180,700
Lancaster ¹⁰	Chicago & Tomah.	60,000	60,000	60,000	60,000	14,700	.....	.....
Platteville ¹¹	Du. Platt. & Mil.	60,000	60,000	60,000	60,000	.....	.....	.....
Platteville ¹²	Du. Platt. & Mil.	32,000	32,000	32,000	32,000	.....	.....	.....
Platteville ¹³	Galena & S. Wis.	10,000	10,000	10,000	5,000	.....	.....	5,000
Lima	Platteville & Mil.	25,000	25,000	25,000	.....	.....	.....	.....
Wingville ¹⁴	Galena & S. Wis.	5,000	5,000	5,000	.....	.....	.....	.....
Wingville ¹⁵	Chicago & Tomah.	150,000	150,000	150,000	150,000	175,000	260,000	516,000
Iowa ¹⁶	Mineral Point	60,000	60,000	60,000	60,000	22,000	88,000	180,074
Mineral Point ¹⁷	Mineral Point	10,000	10,000	10,000	10,000	.....	18,240	22,520
Waldwick ¹⁸	Mineral Point	50,000	50,000	50,000	85,000	.....	47,250	49,250
JACKSON	West Wisconsin	15,000	15,000	15,000	15,000	.....	1,050	15,000
Hixton	Green Bay & Minn.	80,000	80,000	80,000	.....	.....	200,000	200,000
JEFFERSON—		200,000	200,000	200,000	.....	.....	.....	105,000
Watertown	Mil. & Watertown	200,000	200,000	200,000	.....	.....	.....	.....
Watertown	Watert'n & Madison	200,000	200,000	200,000	.....	.....	.....	.....
Watertown	C.S.P. & F.d.L (N.W.)	105,000	105,000	105,000	.....	.....	.....	.....
LA FAYETTE	Mil. & St. Paul	.....	.....	.....	.....	.....	.....	.....

¹ June 28, 1870, \$15,000 in
voted to Portage and
1873, \$20,000 voted to
the same road.

² Portage; Sept. 11, 1871, \$20,000
ed, but never issued; May,
nt were not issued, June 28,
Railroad Company, but have

not yet completed with
road.
ction of road.
September, 1874.

³ paid.
⁴ paying \$27,500, and town \$17,500.
⁵ changed for stock.

⁶ \$12,000 loaned, balance not yet earned.
⁷ Bonds out for both city and town.

⁸ The county received a mortgage which proved worthless.

⁹ No interest paid from 1858 to 1874.

¹⁰ Litigation.

¹¹ E
¹² J
¹³ F
¹⁴ C
¹⁵ A

for \$516,000, has paid a bond \$175,000,
on the dollar, and still liable for

Amount of Aid rendered Railroad Companies, etc.—continued.

COUNTIES, TOWNS AND CITIES.	RAILROAD COMPANIES.	AMOUNT OF AID AUTHORIZED.			Date.	Years to run.	Amount of principal paid on bonds or stock.	Amount of interest paid on bonds.	Amount of principal and interest owing to aid railroads.	Total amount paid and owing for aid to railroads.
		By bonds or stock.	By cash or right of way.	Total.						
LA CROSSE—										
La Crosse, city ¹	Mil. & St. Paul	\$15,000	.....	\$13,707	1874	7	.....	.....	\$14,684	\$14,684
MANITOWOC	Mil. & Green Bay	100,000	.....	100,000	1870	7	.....	\$60,480	216,000	276,480
MANITOWOC	Appleton & N. Lon.	150,000	.....	150,000	1870	7	216,000	.....	.....	75,000
Manitowoc, city	Mil. Man. & G. B.	75,000	.....	75,000	.....	.....	75,000	.....	.....	25,000
Two Rivers	Mil. Man. & G. B.	25,000	.....	25,000	.....	.....	25,000	.....	.....	25,000
MAKATHON ²	Wis. Valley R. R.	.....	\$25,000	2,500	1873	.....	.....	.....	.....	63,000
MONROE—										
Sparta	C. & N. W. R. R.	50,000	13,000	63,000	.....	.....	50,000	.....	.....	2,600
Ridgeville	C. & N. W. R. R.	.....	.....	2,500	1873	.....	.....	100	2,500	12,300
OZAUKEE—										
Cedarburg	.....	12,300	.....	12,300	.....	.....	.....	.....	.....	9,800
OUTAGAMIE—										
Seymour	Green Bay and Min.	7,000	500	7,500	.....	10	7,000	2,100	7,000	8,080
Black Creek	.....do	7,000	.....	7,000	.....	.....	.....	1,680	.....	6,200
Cicero	.....do	5,000	.....	5,000	.....	.....	.....	1,200	5,000	120,000
PORTAGE—										
Portage	Wisconsin Central	200,000	.....	200,000	.....	20	100,000	20,000	100,000	32,400
Flower	Green Bay and Min.	30,000	400	30,400	1871	.....	30,000	2,400	.....	25,000
Stevens Point	Wisconsin Central	25,000	10,000	30,000	.....	8	.....	600	25,000	20,740
ROCK—										
Janesville ³	Southern Wisconsin	150,000	.....	150,000	.....	.....	50,000	8,740	12,000	193,000
Janesville ³	Rock Riv. Val. Un.	150,000	.....	150,000	.....	.....	87,000	.....	.....	250,000
Beloit ⁴	Rac., Janes. & Miss	100,000	.....	.....	1859	20	53,000	.....	48,000	.....
Beloit	Western Union	.....	.....	.....	.....	10	.....	.....	.....	.....

Beloit.	Western Union	49,935	.....	49,935	1869	.....	6	.....	8,600	15,000	41,300	84,600
RACINE—												
Burlington ¹	Fox River Valley ..	350,000	.....	350,000	1856	.....		.....	.....	.....	122,000	122,000
Racine city ²	Racine, Jan'e & Mis.	300,000	.....	300,000	1853	107	7	300,000	.....	.....	.....	333,000
MILWAUKEE—												
Milwaukee, city.	Mil. & Mississippi.	534,000	.....	534,000	}	s	.....	.....	75,000	348,949	216,706	640,656
Milwaukee, city.	Mil. & Horicon....	166,000	.....	166,000								
Milwaukee, city.	Mil. & Superior....	100,000	.....	100,000								
Milwaukee, city.	Mil. & Beloit.....	100,000	.....	100,000								
Milwaukee, city.	La Crosse & Mil...	200,000	.....	200,000								
Milwaukee, city.	Mil. & F'd du Lac .	114,000	.....	114,000								
Milwaukee, city.	G. B. Mil. & Chica'o	200,000	.....	200,000								
Milwaukee, city.	Mil. & Northern....	65,000	.....	65,000								
Milwaukee, city.	Oshkosh & Miss....	10,000	.....	10,000								
ST. CROIX—												
Hudson	North Wisconsin ..	25,000	.....	25,000	1871	.....		.....	.....	.....	.....	25,000
New Richmond.	North Wisconsin ..	12,500	1,000	.....	1871	20	7	.....	.....	1,750	18,500	15,250
Staunton	North Wisconsin ..	6,250	.....	.....	1871	.....	.....	.....	.....	437	6,250	6,687
SAUK—												
Baraboo.....	Baraboo Air Line..	70,000	.....	70,000	1871	.....	7	}	.....	19,016	{	70,000
Excelsior.....	Baraboo Air Line..	12,500	.....	12,500	1872	.....	7					
Freedom	Baraboo Air Line..	7,500	.....	7,500	1873	.....	.....			
Greenfield	Baraboo Air Line..	5,000	.....	5,000	.....	.....	.....		
Reedsburg	Baraboo Air Line..	25,000	.....	25,000	.....	.....	.....		
Winfield	Baraboo Air Line..	5,000	.....	5,000	.....	.....	.....		
SHAWANO ⁷	Mil. & Northern...	200,000	.....	200,000	.....	.....	8	200,000	.....	.....	.....	5,000

¹ City scrip.
² March, 1873, 200,000 acres of land held by the county on tax title voted; 60,000 of which were delivered on condition the road was completed to Wausan by Jan. 1, 1876.
³ Bonds surrendered to the city and stock returned to company; no payments ever made.
⁴ New bonds issued in place of old ones and interest.
⁵ Canceled, except \$5,000, and that contested.
⁶ About \$38,000 of 1st issue still outstanding. New bonds issued in place of the old ones, in the sum of \$275,000.
⁷ And 20.
⁸ All these were taken care of by the companies, except \$100,000 to Milwaukee & Beloit R. R., and \$100,000 to Milwaukee & Superior. The subscription to Milwaukee & Northern and Oshkosh & Mississippi was for stock.
⁹ Bonds payable when road is completed, 31st Jan., 1875. Bonds in hands of Alex. Mitchell; \$100,000 originally issued, and replaced by new issue, which included interest.

Report of Railroad Commissioners.

Amount of Aid Rendered Railroad Companies, etc.—continued.

COUNTIES, TOWNS AND CITIES.	RAILROAD COMPANIES.	AMOUNT OF AID AUTHORIZED.			Date.	Years to run.	Rate of Interest.	Amount of Bonds Issued.	Amount of Principal Paid on Bonds and Stock.	Amount of Interest Paid on Bonds.	Amount of Principal and Interest Owning to Aid Railroads.	Total Amount Paid and Owning for Aid to Railroads.
		By Bonds or Stock.	By Cash or Right of Way.	Total.								
SHEBOYGAN	Shebygan & F. du L.	\$128,000	.....	.....	1865	20	7	.....	\$32,000	\$130,450	\$96,000	\$258,450
SHEBOYGAN ¹	Mil., Manito'c. & G. B. (Mil., L. S. & W.)	80,000	.....	.....	1871	15	7	.....	2,000	9,100	78,980	89,980
SHEBOYGAN—												
Sherman	Mil. & Northern...	12,000	.....	\$12,000	1871	.....	.....	\$12,000	1,000	2,200	11,000	14,200
Plymouth	Mil. & Northern...	25,000	.....	25,000	1871	.....	.....	25,000	7,500	5,100	17,500	30,100
TREMPEALEAU—												
Arcadia ²	G. B. & Minnesota...	50,000	.....	50,000	1872	.....	8	.....	.....	.....	.....	50,000
Preston	G. B. & Minnesota...	25,000	\$2,000	27,000	.....	.....	.....	.....	.....	2,080	26,286	30,386
WAUPACA—												
Waupaca	Wisconsin Central.	50,000	.....	50,000	.....	20	.....	50,000	.....	10,500	50,000	60,500
Scandinavia	G. B. & L. P. (G. B. & M.)	10,000	.....	10,000	1872	10 ³	8	10,000	.....	800	10,800	11,600
St. Lawrence .....	.....do.....do.....	15,000	.....	15,000	1872	.....	.....	.....	.....	2,400	15,300	17,700
Weyauvega .....	.....do.....do.....	40,000	660	40,660	1870	.....	.....	8,596	.....	.....	43,490	52,096
New London .....	.....do.....do.....	50,000	.....	50,000	1872	.....	8	.....	.....	8,000	50,000	58,000
WINNEBAGO—												
Menasha	Mil. & Northern ..	60,000	.....	60,000	1871	20	.....	60,000	.....	.....	2,744	62,744
Menasha ⁴	Central Wisconsin.	50,000	5,000	55,000	.....	.....	.....	50,000	.....	.....	2,400	52,400
Oshkosh	Chicago & N. W. ..	150,000	.....	150,000	1856	.....	.....	150,000	145,000	.....	.....	.....
Oshkosh	Winnebago R. R. ...	20,000	.....	20,000	1857	.....	.....	20,000	7,500	21,500	68,000	88,500
Oshkosh	Oshkosh & Miss'ip.	25,000	.....	25,000	1871	.....	.....	25,000	29,000	.....	.....	.....
Oshkosh	Oshkosh & Miss'ip.	50,000	.....	50,000	1871	.....	.....	50,000	.....	.....	.....	.....
Winneconne ⁵	Mil. & St. Paul .....	.....	4,000	4,000	.....	.....	.....	.....	.....	.....	.....	4,000
WASHINGTON	N. W. Union	55,000	.....	55,000	.....	.....	.....	55,000	18,000	4,400	87,000	59,400

TABLE showing the amount of aid rendered railroad companies by farm mortgages, in the several counties of the state, as reported by Registers of Deeds to the Commissioners.

COUNTIES.	RAILROADS.	Number of Mortgages.	No. contested and mortgages	Rate per cent.	Amount given for.	Total amount in county.
Adams	La Crosse & Mil...	68	61	8	\$70,700	..... \$70,700
Columbia	La Crosse & Mil... Mad.F.du L.& Mich B. Dam & Baraboo. Mil. & Horicon.... Mil. & Watertown .	299	143	8	303,600 55,800 10,300 2,300 900	..... ..... ..... ..... ..... 372 900
Crawford....	Mil. & Mississippi . Madison & Watert'n	68	26	8	132,833 3,380	..... ..... 186,213
Dane.....	Madison & Watert'n Mil. & Beloit..... Wis. Central..... Mad.F.duL.& Mich. Mil. & Mississippi .	85	41	8	81,950 1,700 2,200 6,600 20,500	..... ..... ..... ..... ..... 112,950
Dodge.....	La Crosse & Mil... Wis. Central Mil. & Horicon B. Dam & Baraboo.	477	112	8	427,000 17,800 6,700 3,900	..... ..... ..... ..... 455,400
Grant	Mil. & Mississippi .	82	26	8	146,600	..... 146,600
Green	Mil. & Mississippi . Racine & Miss.....	193	29	8	420,200 9,500	..... ..... 429,700
Green Lake...	Mil. & Horicon Mil. & La Crosse ..	115	61	8	57,800 33,500	..... ..... 91,300
Iowa	Mil. & Prairie du C.	36	14	8	54,700	..... 54,700
Jefferson.	Wis. Central..... Watert'n & Madison C. St. P. & F. du L. Mil. & Mississippi.	198	46	8 10	62,200 20,400 37,600 19,900	..... ..... ..... ..... 140,100
Juneau.....	La Crosse & Mil...	32	28	8	41,400	..... 41,400
Kenosha	Kenosha,Hel't & R.I Fox River Valley..	129	27	8 10	80,300 14,300	..... ..... 94,600
La Crosse	Mil. & La Crosse ..	45	12	8	53,250	..... 53,250
La Fayette....	Mil. & Mississippi.	32	6	8	46,100	..... 46,100
Marathon	Mil. & Horicon	74	71	8	68,700	..... 68,700

Aid rendered Railroads by Farm Mortgages.—continued.

COUNTIES.	RAILROADS.	Number of Mortgages.	No. contested or unsatisfied mortgages.	Rate per cent.	Amount given for.	Total amount in county.
Milwaukee ...	Mil. & Mississippi. Mil. & Watertown .. La Crosse & Mil... Mil. & F. du Lac .. Mil. & Beloit	58	8	8 10	113,000 55,852 44,905 2,000 3,000	..... ..... ..... ..... ..... \$218,757
Ozaukee	Mil. & Superior ..	147	79	8	215,800	..... 215,800
Racine	Racine & Miss..... Fox River Valley .. Mil. & Beloit.....	98	30	8	40,503 18,700 5,500	..... ..... ..... 64,708
Rock .....	..... Mil. & Mississippi. R., Janesville & Miss Racine & Miss. C. St. P. & F. du L.	193	151	1	81,800 28,200 120,100 8,000 4,000	..... ..... ..... ..... ..... 242,100
Sauk	Mil. & La Crosse .. Mad. F. du L. & Mich. Watert'n & Madis'n Mil. & Horicon.... Mil., W. & B. Valley	170	79	8	91,500 29,100 5,000 1,000 600	..... ..... ..... ..... ..... 127,620
Sheboygan ...	F. du Lac & Miss..	44	12	10	31,600	..... 31,600
Walworth	R., Janesville & Miss Mil. & Mississippi. Fox River Valley .. Wis. Central..... Kenosha & Rockf'd Mil. & Beloit R. R..	413	93	8	79,100 35,900 10,100 855 29,100 131,000	..... ..... ..... ..... ..... ..... 286,055
Washington ..	Miss. & F. du L. Air L. Mil. & La Crosse .. Mil. & L. Superior. Mil., F. du L. & G. B.	323	63	8	60,000 211,600 31,600 3,130	..... ..... ..... ..... 334,500
Waukesha	Mil. & Mississippi. Mil. & Watertown. Mil. & Beloit	103	18	8	39,997 4,600 27,600 16,838	..... ..... ..... ..... 89,085
Waushara	Mil. & Horicon....	47	24	8	29,200	..... 29,200
Winnebago ...	Ripon & Wolf R... Mil. & Horicon....	206	66	8	65,650 13,000	..... ..... 78,650
Wood	Mil. & Horicon....	60	56	8	46,800	..... 46,800
Total .....	.....	.....	.....	.....	.....	\$4,079,488

¹ 10 per cent. until due, and 12 thereafter.

MILWAUKEE & ST. PAUL RAIL										MAIN LINE OF THE PRAIRIE DU CHIEN									
71	Edgerton.....	45	35	30	25	12	17	24	34	24½	40	15.00	14.00	21.00	34.00	20.00	34.00	16.50	24.00
81	Stoughton.....	47	38	33	28	13	17	24	34	26	40	16.50	15.00	23.00	36.00	21.50	36.00	17.50	24.00
89	McFarland.....	49	41	34	29	14	18	26	36	28	40	17.00	17.00	25.00	38.00	23.00	38.00	19.00	24.00
96	Madison.....	50	42	35	30	14	18	28	36	28	40	17.00	18.00	25.00	40.00	23.00	40.00	19.00	24.00
103	Middleton.....	55	47	41	35	15	18	28	36	29½	40	18.50	18.00	27.00	40.00	24.50	40.00	20.00	25.00
110	Cross Plains.....	58	49	42	36	15	19	30	38	29½	43	18.50	19.00	27.00	41.00	24.50	40.00	20.00	25.00
115	Black Earth.....	60	50	43	36	16	20	30	40	31½	45	19.00	19.00	29.00	41.00	26.00	40.00	21.50	25.00
119	Mazomanie.....	62	53	45	37	16	20	32	40	31½	48	19.00	20.00	29.00	42.00	26.00	40.00	21.50	28.00
125	Arena.....	63	54	46	38	16	21	32	42	31½	50	19.00	20.00	29.00	43.00	26.00	42.00	21.50	28.00
130	Helena.....	64	55	47	38	17	22	32	44	33	53	20.50	21.00	31.00	43.00	27.50	44.00	22.50	30.00
133	Spring Green.....	65	56	47	38	17	23	34	46	33	56	20.50	22.00	31.00	43.00	27.50	46.00	22.50	32.00
139	Lone Rock.....	66	57	48	38	18	24	34	48	35	60	21.00	23.00	33.00	43.00	29.00	48.00	24.00	32.00
145	Avoca.....	67	58	48	38	18	25	36	50	35	60	21.00	24.00	33.00	44.00	29.00	50.00	24.00	34.00
151	Muscoda.....	67	58	48	38	19	25	38	50	36½	60	22.50	25.00	33.00	44.00	30.50	50.00	25.00	34.00
158	Blue River.....	68	58	48	39	19	25	38	50	36½	60	22.50	26.00	35.00	55.00	30.50	53.00	25.00	36.00
166	Boscobel.....	68	58	48	39	20	25	40	50	38½	60	23.00	27.00	37.00	45.00	32.00	56.00	26.50	38.00
172	Woodman.....	70	60	50	40	20	25	40	50	38½	60	23.00	28.00	37.00	46.00	32.00	58.00	26.50	38.00
176	Wauzeka.....	70	60	50	40	21	25	42	50	40	60	24.50	28.00	39.00	48.00	33.50	60.00	27.50	40.00
186	Bridgeport.....	70	60	50	40	21	25	43	50	40	60	24.50	29.00	39.00	50.00	33.50	60.00	27.50	40.00
194	Prairie du Chien.....	70	60	50	40	22	25	44	50	42	60	25.00	30.00	41.00	50.00	35.00	60.00	29.00	40.00
15	Granville.....	12	11	9	8	6	7	12	14	15	16	8.00	.....	10.00	8.00	11.00	10.00	8.00	8.00
21	Germanantows.....	15	13	12	11	6	9	12	18	15	22	8.00	.....	10.00	9.00	11.00	12.00	8.00	8.00
25	Richfield.....	18	15	13	12	6	10	12	20	15	24	8.00	.....	10.00	10.00	11.09	14.00	8.00	10.00
33	Schlesingerville.....	22	19	17	15	6	11	12	22	15	30	8.00	.....	10.00	14.00	11.00	18.00	8.00	14.00
37	Hartford.....	25	21	18	16	6	12	12	24	15	31	8.00	.....	10.00	16.00	11.00	19.00	8.00	14.00
42	Rubecon.....	28	24	20	17	6	12	12	24	15	34	8.00	.....	10.00	19.00	11.00	21.00	8.00	14.00
46	Woodland.....	30	25	21	18	6	12	12	24	15	36	8.00	.....	10.00	21.00	11.00	23.00	8.00	16.00
47	Iron Ridge.....	33	26	22	19	6	12	12	24	15	38	8.00	.....	10.00	22.00	11.00	24.00	8.00	18.00
54	Horicon.....	35	30	25	20	11	12	22	24	22½	40	14.50	.....	19.00	25.00	18.50	26.00	15.00	18.00
59	Rurnett.....	38	32	27	23	11	12	22	24	22½	40	14.50	.....	19.00	28.00	18.50	28.00	15.00	20.00
68	Waupun.....	40	35	30	25	12	12	24	24	24½	40	10.50	.....	21.00	30.00	20.00	28.00	16.50	20.00
76	Brandon.....	40	35	30	25	13	12	26	24	26	40	16.50	.....	23.00	30.00	21.50	28.00	17.50	22.00
83	Ripon.....	40	35	30	25	13	12	26	24	26	40	16.50	.....	23.00	30.00	21.50	28.00	17.50	24.00
90	Pickett.....	40	35	30	25	14	13	28	26	28	40	17.00	.....	25.00	35.00	23.00	35.00	19.00	25.00
103	Oshkosh.....	40	35	30	25	15	13	30	26	29½	40	18.50	.....	27.00	35.00	24.50	35.00	20.00	25.00

* Prepared before the adoption of the legal Tariffs by this Railway Company.

TABLE showing both the Legal and the Railroad Passenger Rates on all Branches of the Chicago, Milwaukee and St. Paul Railway.*

PRAIRIE DU CHIEN DIVISION.

MILWAUKEE TO	Miles.	Legal Fare.	R. R. Rates.
Wauwatosa	5.5	\$0.17	\$0.30
Elm Grove	9.9	.30	.50
Brookfield Junction.....	14.4	.44	.65
Forest House	17.0	.51	.75
Waukesha.....	20.6	.62	.90
Genesee	28.7	.87	1.25
North Prairie.	31.4	.95	1.35
Eagle	36.6	1.10	1.55
Palmyra.....	42.4	1.28	1.80
Whitewater.....	50.7	1.53	2.10
Lima.....	56.5	1.70	2.35
Milton	62.2	1.87	2.60
Milton Junction	63.7	1.92	2.65
Janesville	71.4	2.15	2.95
Hanover:.....	77.9	2.34	3.20
Orford ..	83.6	2.51	3.45
Brodhead	89.8	2.70	3.70
Juda	96.3	2.89	3.95
Monroe	105.1	3.16	4.30
Edgerton	70.8	2.13	2.80
Stoughton	80.5	2.42	3.05
McFarland	89.1	2.68	3.20
Madison	95.7	2.88	3.35
Middleton.....	102.3	3.07	3.60
Cross Plains.....	110.3	3.31	3.90
Black Earth	115.1	3.46	4.10
Mazomanie	118.5	3.56	4.25
Arena	124.6	3.74	4.50
Helena	130.1	3.90	4.70
Spring Green.....	132.3	3.97	4.80
Lone Rock	138.9	4.17	5.05
Avoca.....	145.4	4.37	5.30
Muscoda	151.3	4.54	5.55
Blue River	157.7	4.74	5.80
Boscobel	165.8	4.98	6.15
Woodman	171.7	5.16	6.40
Wauzeka.....	175.7	5.28	6.55
Wright's Ferry	182.9	5.49	6.85
Bridgeport	186.3	5.59	7.00
Prairie du Chien	193.5	5.82	7.25

* Prepared before the adoption of the legal rates by the C. M. & St. Co.

Legal and Railroad Passenger Rates—continued.

C., M. & St. Paul Railway—continued.

LA CROSSE DIVISION.

MILWAUKEE TO	Miles.	Legal Fare.	R. R. Rates.
Elm Grove	8.8	.27	.50
Brookfield Junction	13.2	.41	.65
Pewaukee.....	19.2	.58	.90
Hartland.....	23.7	.72	\$1.10
Nashota	26.4	.80	1.15
Oconomowoc.....	31.3	.94	1.35
Ixonia	37.0	1.11	1.60
Watertown	43.9	1.32	1.85
Watertown Junction.....	44.7	1.35	1.85
Hubbellton.....	53.8	1.65	2.25
Waterloo.....	57.8	1.74	2.45
Marshall	61.2	1.84	2.55
Deansville	63.5	1.91	2.65
Sun Prairie	69.2	2.08	2.90
Burke	74.0	2.22	3.10
Madison	81.2	2.44	3.35
Richwood	49.0	1.47	2.05
Lowell	54.3	1.62	2.25
Elba	59.6	1.79	2.50
Columbus	63.5	1.91	2.65
Fall River	67.0	2.01	2.80
Otsego	73.5	2.20	3.10
Rio	77.6	2.33	3.25
Wyocena.....	82.7	2.49	3.45
Portage	91.6	2.75	3.80
Lewiston.....	100.5	3.02	4.15
Kilbourn City.....	108.5	3.26	4.50
Lyndon	117.1	3.52	4.80
Lemonweir.....	124.3	3.78	5.10
Mauston	127.6	3.88	5.25
New Lisbon.....	134.7	4.05	5.50
Orange	138.4	4.16	5.65
Camp Douglass Junction	141.0	4.23	.....
Le Roy.....	147.0	4.41	6.00
Tomah Junction.....	153.2	4.60	6.25
Greenfield.....	156.9	4.71	6.40
La Fayette	163.8	4.92	6.70
Sparta	170.0	5.10	6.90
Herseyville	174.2	5.23	7.10
Bangor.....	180.1	5.41	7.30
West Salem	184.7	5.55	7.50
Trempealeau Junction.....	192.0	5.76	7.85
La Crosse	195.5	5.87	7.95

Legal and Railroad Passenger Rates—continued.

Chicago, Milwaukee and St. Paul Railway—continued.

NORTHERN DIVISION.

MILWAUKEE TO	Miles.	Legal Rates.	R. R. Rates.
Schwarzburg	9.1	28	50
Granville.....	15.2	46	70
Germantown	20.5	61	95
Richfield.....	25.1	76	1.10
Ackerville.....	30.2	91	1.30
Schleisingerville.....	32.6	98	1.40
Hartford	36.9	1.11	1.60
Rubicon.....	41.5	1.25	1.80
Woodland.....	45.6	1.37	1.90
Iron Ridge	47.3	1.42	2.00
Horicon Junction.....	53.8	1.62	2.10
Burnett Junction	59.0	1.77	2.25
Atwater	63.3	1.90	2.45
Waupun.....	68.4	2.06	2.60
Brandon	75.7	2.28	2.90
Reed's Corners	79.9	2.40	3.05
Ripon.....	83.4	2.52	3.20
Rush Lake Junction	89.5	2.69	3.45
Berlin.....	96.2	2.87	3.70
Waukau.....	94.6	2.84	3.65
Omro	98.7	2.97	3.80
Winneconne.....	103.7	3.12	3.90
Minnesota Junction.....	56.7	1.71	2.10
Rolling Prairie.....	58.6	1.76	2.20
Beaver Dam.....	63.5	1.91	2.40
Fox Lake Junction	69.4	2.09	2.65
Randolph	74.5	2.24	2.85
Cambria.....	79.9	2.40	3.05
Pardeeville.....	89.6	2.69	3.45
Portage	98.0	2.95	3.80

CHICAGO DIVISION.

MILWAUKEE TO	Miles.	Legal Rates.	R. R. Rates.
Kinnikinnic.....	1.8	.06	.10
Lake.....	7.1	.22	.25
Oakwood.....	12.2	.37	.45
Franksville.....	19.0	.57	.70
West Union Junction	23.2	.70	.85
Burr Oak.....	27.5	.83	1.00
Truesdale	32.4	.98	1.20
Kenosha Junction.....	33.4	1.01	1.25

Legal and Railroad Passenger Rates—continued.

Chicago, Milwaukee and St. Paul Railway—continued.

MADISON AND PORTAGE DIVISION (LEASED.)

MADISON TO	Miles.	Legal Rates.	R. R. Rates.
Sanderson	7.0	.21	.40
Windsor.....	11.5	.35	.50
De Forrest.....	18.8	.42	.60
Morrison.....	16.8	.49	.70
Arlington	21.4	.68	.95
Poynette	25.4	.77	1.15
Hartman	28.2	.86	1.30
Pacific	33.5	1.01	1.60
Portage	39.0	1.17	1.85

OSHKOSH AND MISSISSIPPI DIVISION (LEASED.)

OSHKOSH TO	Miles.	Legal Rates.	R. R. Rates.
Fitzgerald.....	.5	.15	.30
Fisk's.....	.9	.27	.45
Pickett's .....	.13	.39	.60
Ripon.....	.20	.60	.85

60	37	31	26	21	16	22	25	22½	38	19.00	26.00	18.50	30.00	15.00	19.00
65	39	22	27	12	12	24	25	24½	39	21.00	28.00	20.00	31.00	16.50	20.00
70	40	23	28	12	14	24	28	24½	40	21.00	29.00	20.00	32.00	16.50	21.50
75	41	24	29	12	15	24	30	24½	41	21.00	30.00	20.00	33.00	16.50	22.50
80	42	25	30	13	16	26	32	26	42	23.00	31.00	21.50	35.00	17.50	24.00
85	43	26	31	13	16	26	32	26	43	23.00	32.00	21.50	36.00	17.50	25.00
90	44	26	32	14	17	28	34	28	44	25.00	33.00	23.00	37.00	19.00	26.00
95	45	27	33	14	17	28	34	28	45	25.00	34.00	23.00	39.00	19.00	27.00
100	46	28	33	14	18	28	36	28	46	25.00	35.00	23.00	40.00	19.00	28.00
105	47	29	34	15	18	30	36	29½	47	27.00	36.00	24.50	41.00	20.00	29.00
110	48	30	35	15	19	30	38	29½	48	27.00	37.00	24.50	42.00	20.00	30.00
115	49	31	36	16	19	32	38	31½	49	29.00	38.00	26.00	43.00	21.50	31.00
120	50	31	37	16	20	32	40	31½	50	29.00	40.00	26.00	45.00	21.50	32.00
125	51	31	37	16	20	32	40	31½	51	29.00	41.00	26.00	46.00	21.50	33.00
130	52	32	38	17	21	34	42	33	52	31.00	42.00	27.50	47.00	22.50	34.00
135	53	32	38	17	21	34	42	33	53	31.00	43.00	27.50	48.00	22.50	35.00
140	55	33	39	18	22	36	44	35	54	33.00	44.00	29.00	49.00	24.00	36.00
145	56	34	40	18	22	36	44	35	56	33.00	45.00	29.00	50.00	24.00	36.50
150	57	35	41	18	23	36	46	35	57	33.00	46.00	29.00	51.00	24.00	37.00
155	58	35	41	19	23	38	46	36½	58	35.00	47.00	30.50	52.00	25.00	37.50
160	59	36	42	19	23	38	48	36½	60	35.00	48.00	30.50	53.00	25.00	38.00
165	60	36	43	20	24	40	48	38½	61	37.00	49.00	32.00	54.00	26.50	38.50
170	61	37	44	20	24	40	50	38½	62	37.00	50.00	32.00	55.00	26.50	39.00
175	62	37	44	20	25	40	50	38½	63	37.00	51.00	32.00	56.00	26.50	39.50
180	63	38	45	21	26	42	52	40	65	39.00	52.00	33.50	57.00	27.50	40.00
185	64	38	46	21	26	42	52	40	66	39.00	53.00	33.50	58.00	27.50	40.50
190	65	39	47	22	27	44	54	42	67	41.00	54.00	35.00	59.00	29.00	41.00
195	66	39	47	22	27	44	54	42	69	41.00	54.00	35.00	60.00	29.00	41.50
200	67	40	48	22	28	44	56	42	70	41.00	55.00	35.00	61.00	29.00	42.00
210	69	41	50	22	28	44	56	43½	71	43.00	56.00	36.50	62.00	30.00	43.00
220	71	42	52	23	29	44	58	45½	72	45.00	57.00	38.00	63.00	31.50	44.00
230	73	43	53	23	29	45	58	47	73	47.00	58.00	39.50	64.00	32.50	45.00
240	75	44	54	23½	30	45	60	49	74	49.00	58.00	41.00	65.00	34.00	46.00
250	75	45	55	23	30	46	60	49	75	49.00	60.00	41.00	66.00	34.00	47.00

*Prepared before the adoption of the legal rates by the Chicago and Northwestern Railroad Co.

**TABLE showing both the Legal and the Railroad Passenger Tar-
iff Rates on all Wisconsin Lines of the Chicago & Northwestern
Railway.***

WISCONSIN DIVISION.

SHARON TO	Miles.	Legal Rates.	R. R. Rates.
Sharon.....	.....	.....	.....
Clinton Junction	7.6	.23	.30
Shopiere	11.6	.35	.45
Janesville	20.3	.61	.80
Milton Junction	28.3	.85	1.10
Koshkonong	33.3	1.00	1.30
Fort Atkinson.....	40.1	1.25	1.55
Jefferson	45.8	1.38	1.80
Johnson's Creek	51.1	1.54	2.00
Watertown	59.2	1.78	2.25
Clyman	67.4	2.03	2.40
Juneau.....	74.2	2.23	2.50
Minnesota Junction	77.4	2.33	2.50
Burnett.....	81.1	2.44	2.65
Chester.....	89.4	2.69	2.95
Oak Center.....	94.4	2.84	3.00
Oakfield.....	97.5	2.93	3.00
Fond du Lac	105.9	3.18	3.05
Vandyne	113.7	3.41	3.35
Oshkosh	122.7	3.69	3.70
State Hospital	127.5	3.83	3.90
Snell's	131.6	3.95	4.10
Neenah and Menasha	135.9	4.08	4.25
Appleton.....	142.7	4.28	4.50
Little Chute.....	147.7	4.44	5.55
Kaukauna.....	149.7	4.50	4.60
Wrightstown	155.4	4.67	4.65
Little Kaukauna.....	159.7	4.80	4.70
De Pere	165.4	4.97	4.75
Fort Howard	171.4	5.15	4.90
Duck Creek	176.0	5.28	5.10
Big Suamico	181.1	5.44	5.25
Little Suamico.....	185.9	5.58	5.50
Brookside	191.1	5.74	5.70
Pensaukee	194.1	5.83	5.85
Oconto.....	200.1	6.01	6.05
Cavoits.....	209.3	6.28	6.40
Peshtigo	213.5	6.41	6.60
Marinette	220.5	6.62	6.85
Menomonee	221.9	6.66	6.90

* Proposed before the adoption of the legal rates by the Chicago and Northwestern Com-
pany.

Legal and Railroad Passenger Rates—continued.

Chicago and Northwestern Railway—continued.

MADISON DIVISION.

[Application of the law to whole line from Chicago being assumed for sake of comparison.]

CHICAGO TO	Miles.	Legal Rates.	R. R.' Rates.
State Line.....	.....	.....	.....
Beloit	90.5	2.72	3.25
Afton	98.4	2.86	3.55
Hanover.....	103.7	3.12	3.65
Footville	107.0	3.21	3.80
Magnolia.....	110.7	3.33	3.95
Evansville.....	115.9	3.48	4.15
Brooklyn.....	122.4	3.68	4.40
Oregon.....	128.0	3.84	4.65
Syene	133.2	4.00	4.85
Madison.....	137.5	4.13	4.95
Westport	142.5	4.28	5.15
Waunakee.....	147.5	4.43	5.35
Dane	152.2	4.57	5.50
Lodi	157.0	4.71	5.70
Okee	160.6	4.82	5.85
Merrimac	163.6	4.91	6.00
Devil's Lake.....	171.4	5.15	6.30
Baraboo	174.4	5.23	6.40
Kirkwood	177.6	5.33	6.55
Bloom	180.6	5.42	6.65
Ablemans	183.8	5.52	6.80
Reedsburg.....	190.1	5.71	7.05
La Velle	197.3	5.92	7.35
Wonowoc	204.9	6.15	7.65
Union Centre.....	207.8	6.23	7.75
Elroy	211.7	6.36	7.90
Glendale	217.7	6.54	8.15
Wilton	227.2	6.82	8.50
Dover	232.7	6.99	8.75
Sparta.....	245.7	7.38	9.25
Herseyville.....	250.2	7.51	9.45
Fish Creek	252.7	7.59	9.55
Bangor	256.1	7.69	9.70
West Salem.....	260.7	7.83	9.85
Winona Junction.....	268.5	8.06	10.15
Onalaska.....	270.5	8.12	10.25
Midway	274.5	8.24	10.40
Lytles.....	279.5	8.39	10.60
Trempealeau	285.5	8.57	10.85
Pine Creek	292.5	8.78	11.15
Bluff Side.....	296.5	8.90	11.30
Winona .....	.....	.....	.....

Legal and Railroad Passenger Rates—continued.

Chicago and Northwestern Railway—continued.

KENOSHA DIVISION.

KENOSHA TO	Miles.	Legal Rates.	R. R. Rates.
Pleasant Prairie	5.9	.18	.30
Woodworth	9.6	.29	.45
Bristol	12.1	.37	.50
Salem	15.1	.46	.60
Fox River.....	19.2	.58	.75
Bassetts	21.6	.65	.85
Genoa.....	27.5	.83	1.05

MILWAUKEE AND CHICAGO DIVISION.

[Application of the law to whole line from Chicago being assumed for sake of comparison.]

CHICAGO TO	Miles.	Legal Rates.	R. R. Rates.
State Line.....	44.9	.....	1.65
Kenosha	51.4	1.55	1.90
Racine Junction.....	60.2	1.81	2.25
Ives.....	64.8	1.93	2.35
County Line.....	70.1	2.11	2.55
Oak Creek.....	75.3	2.26	2.75
Saint Francis.....	80.6	2.42	2.90
Bay View	82.9	2.49	3.00
Milwaukee	85.0	2.55	3.10

TABLE showing the Freight Business of the Chicago, Milwaukee and St. Paul Railroad within the State of Wisconsin during the year 1873, and illustrating the loss that would have been sustained by the Company had the same amount of business been done under the present law.

	Chicago, Ill. Div.	P. du Chien Div.	La Crosse Div.	Northern Div.	Onh. & Miss. Div.	Mad. & Port'ge Div.	Total.	Average.
Miles of road in Wisconsin.....	42	285	233	153	20	39		
Number of miles run by freight trains..	117,716	890,782	1,090,482	269,966				
Number tons freight carried one mile..	10,164,704	75,744,849	75,665,717	21,399,177	790,608	727,828	184,492,888	
Rate per ton, per mile.....	.02176 +	.02176 +	.02176 +	.02176 +	.02176 +	.02176 +		.02176 +
Income from freight.....	\$211,255	\$1,873,499	\$1,931,859	\$600,751	\$22,788	\$18,536	\$4,658,188	
Income per mile run.....	\$1.79		\$1.87	\$2.28				
Income had same business been done under present law.....							\$4,387,086	
Loss that would have been sustained in such case. [See note 2.].....							\$271,152	
Loss that would have been sustained in such case. [See note 3.].....							\$221,152	
Per cent. of such loss on company's receipts of 1873. [See note 4.].....								5.78% + per cent.
Per cent. of such loss on company's receipts of 1873. [See note 5.].....								4.74% + per cent.

1 To state line—treated as 1/4 whole road.
 2 on the basis of the tariffs in force
 3 than the present.
 4 Estimated by general freight agent on the basis of the tariffs in force
 5 freight agent on the basis of the tariffs in force after
 the basis of the tariffs is force after

TABLE showing the Passenger Business of the Chicago, Milwaukee and St. Paul Railroad in this State, during the year 1873, and illustrating the Loss that would have been sustained by the Company had the same amount of business been done under the present Legal Rates.

	C. & Mil. Div. to State Line (treated as ½ of whole.)	P. du Chien Division.	La Crosse Division.	Northern Division.	Oshkosh and Mississippi Division.	Madison and Portage Division.	Total.	Average.
Miles of road in Wisconsin.....	43	283	283	153	20	39	723	.....
No. miles run by passenger trains	69,572	280,989	282,253	142,324	.....	.....	.....	.....
No. passengers carried one mile .	4,102,426	8,264,585	15,768,249	4,112,718	358,948	235,733	32,842,659	.....
Rate per passenger per mile.....	.03 ¹⁶ / ₁₀₀ +	.03 ¹⁸ / ₁₀₀ +	.03 ¹³ / ₁₀₀ +	.03 ⁵² / ₁₀₀ +	.08 ⁵⁷ / ₁₀₀ +	.04 ¹² / ₁₀₀ +	.....	.08 ⁴⁴ / ₁₀₀ +
Income from passengers.....	\$125,232 00	\$297,644 00	\$539,576 00	\$144,930 00	\$12,821 00	\$9,733 00	\$1,129,936	.....
Earnings per mile run.....	1 80	1 06	1 91	1 08	.....	.....	.....	.....
Income, had same business been done under present law.....	123,072 78	247,987 55	473,047 47	123,881 54	10,768 44	7,071 99	985,279	.....
Loss that would have been sus- tained in such case.....	2,160 00	49,707 00	66,529 00	21,549 00	2,058 00	2,662 00	144,657	.....
Per cent. of such loss on passen- ger business.....	.....	.....	.....	.....	.....	.....	.....	12 ¹⁸ / ₁₀₀ p. c.

TABLE showing the rates on Grain per 100 lbs. per car load, under the "Potter Law" and under the Tariffs in force on several leading Railways, East and West.

DISTANCES.	Potter Law Rates.	WESTERN LINES.					TRUNK LINES BETWEEN WEST AND EAST.							N. ENG. L.	
	Cts.	Chic., Burling- ton & Quincy.	Ind. Cent. and La Fayette.	Hannibal and St Joseph.	St. Louis, Kan. City and North.	Louisville and Nashville.	Balt. and Ohio Railroad.	Pennsylvania Railroad.	Pittsburgh, Ft. Wayne and Chi.	Lake Shore and Mich. South.	Michigan Central.	Atlantic and Gr. Western.	Great Western of Canada.	Vermont Central.	Boston and Al- bany.
Miles.															
25.....	6	10	8	13	13	11	6½	8	7	7	7	4½	8	8	8
50.....	10	15	12	17	18	17	10	13	9	9	9	7	11	11	12
75.....	12	20	14	19	23	23	13	17	14	13	12	9	14	14	14
100.....	14	23	17	21	28	25	17	24	18	14	15	12	16	16	18
125.....	16	26	19	23	30	25	19½	29	20	16	17	13	20	20	21
150.....	18	28	22	23	33	27	21½	33	24	18	18	14	22	23	23
175.....	20	31	24	23	33	30	23	36	27	20	19	15	24	25	27
200.....	22	33	27	23	33	30	26½	36	30	22	20	17	25	27	27
225.....	22½	36	29	23	34	30	27	36	32	24	22	18	26	31	30
250.....	23½	38	33	23	35	30	29½	36	34	25	24	19	27	33	30
275.....	23½	41	35	23	35	30	30	36	35	25	25	21	28	35	30
300.....	24	43	35	23	35	30	31	36	37	25	25	22	28	37	30

TABLE showing the Rates on Flour, per bbl., in car loads, under the "Potter Law," and under the Tariffs in force on several of the leading Railways East, and West.

DISTANCES.	Potter Law Rates.				RN LINES			
	Miles.	Cts.	Cts.	Cts.	Cts.	Cts.	St. Louis, Kan. City & North.	St. Louis, Kan. City & North.
25	12	22	17	20	36	28	28
50	20	38	25	29	46	36	36
75	24	42	30	34	56	46	46
100	28	50	36	46	61	56	56
125	32	56	41	44	64	61	61
150	36	60	46	48	66	64	64
175	40	66	51	50	67	66	66
200	44	70	56	50	69	67	67
225	45	76	62	50	70	69	69
250	46	80	67	50	70	70	70
275	47	86	72	50	70	70	70
300	48	90	72	50	70	70	70

TABLE Showing the rates on various railroads for the transportation of Salt, Cement, etc., in comparison with the "Potter Law Rates."

DISTANCES.	WESTERN ROADS.				TRUNK LINES.					EASTERN ROADS.	
	Chicago, Burlington & Quincy R. Road	St. Louis, Kan. & Gas City Northern R.	Illinois Cent. R.	Hannibal & St. Joseph R.	Pittsburg, Ft. W. & Chicago R.	Atlantic & Great Western R.	Michigan Cent. R.	Lake Shore & Mich. South. R.	Balt. & Ohio R.	Vermont Cent. R.	Boston & Albany R.
Miles.	Cts. bbl.	Cts. bbl.	Cts. bbl.	Cts. bbl.	Cts. bbl.	Cts. bbl.	Cts. bbl.	Cts. bbl.	Cts. bbl.	Cts. bbl.	Cts. bbl.
25	15	30	28	22	16	11	14	18	12	23	21
50	21	40	38	34	24	20	18	23	17	30	30
75	24½	50	43	40	45	25	24	29	20	40	36
100	28	60	44	50	45	28	30	32	26	48	42
125	31½	66	48	57	48	32	34	37	30	57	54
150	35	70	48	60	57	37	36	41	32	63	57
175	33½	76	50	60	63	41	38	47	34	71	66
200	42	80	53	60	69	48	40	53	39	77	72
225	45½	86	55	60	72	49	44	58	40	88	...
250	49	90	57	...	78	54	48	61	44	92	...
275	52½	96	58	...	84	58	50	...	48	1.00	...
300	56	1.00	60	...	93	61	...	...	50	1.05	...

TABLE showing the Rates per Car Load of Lumber under "Potter Law," and under Tariffs in force on the Railroads therein named.

DISTANCES.	Miles.	"Potter Law" Rates.	WESTERN AND SOUTHERN ROADS.					TRUNK LINES.						N. ENGLAND ROADS.	
			Illinois Central.	St. Louis, Kan. City & North'n.	Hannibal and St. Joseph.	Indap., Cin. & La Fayette.	Louisville and Nashville.	Balt. & Ohio.	Lake Shore and Mich. South'n.	Mich. Central.	Great Western.	Pennsylvania.	Atlantic & Gr. Western.	Vermont Cent.	Boston and Albany.
		Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	
	25	8.00	18.00	22.00	23.00	13.00	10.00	12.00	14.00	14.00	9.20	7.00	12.00	14.00	
	50	13.00	23.00	32.00	33.00	21.00	16.00	15.00	14.00	17.00	17.00	12.00	16.00	20.00	
	75	15.00	27.00	38.00	43.00	27.00	20.00	19.00	18.00	22.00	24.00	14.00	22.00	24.00	
	100	17.00	30.00	43.00	49.00	32.00	25.00	22.00	23.00	26.00	31.00	17.00	26.00	28.00	
	125	19.00	32.00	48.00	54.00	37.00	32.00	25.00	28.00	29.00	39.00	19.50	32.00	34.00	
	150	21.00	34.95	50.00	59.00	43.00	35.00	27.00	30.00	31.00	46.80	22.50	36.00	38.00	
	175	23.00	37.40	53.00	64.00	48.00	40.00	32.00	34.00	36.00	54.60	24.50	42.00	44.00	
	200	25.00	38.00	55.00	65.00	56.00	40.00	35.00	38.00	38.00	61.00	27.00	46.00	48.00	
	225	27.00	39.40	58.00	65.00	62.00	40.00	39.00	40.00	39.00	67.60	29.50	50.50	50.50	
	250	29.00	40.00	60.00	65.00	68.00	40.00	42.00	42.00	42.00	72.00	32.00	53.50	53.50	
	275	31.00	41.40	60.00	65.00	73.00	40.00	48.00	46.00	46.00	72.00	35.00	58.00	58.00	
	300	33.00	42.80	60.00	65.00	78.00	40.00	50.00	48.00	48.00	72.00	37.00	61.00	61.00	

TABLE showing the Live Stock Rates per Car Load, under the "Potter Law," and under Tariffs in force on the Railroads therein named.

DISTANCES.	WESTERN AND SOUTHERN ROADS.						TRUNK LINES.				N. ENGLAND LINES.	
	Potter Law Rates.	Chl., Burlingt'n and Quincy.	Hannibal and St. Joe.	Ohio and Missis-sippi.	Baltimore and Ohio, Cattle & Horses.	Louisville, Nash-ville & G. S.	St. Louis, Kan. City & North'n.	Mich. Central.	Atlantic and Great Western.	Pitt., Ft. Wayne and Chicago.	Vermont Cent'l.	Boston and Al-bany.
Miles.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.
25	10	17	20	15.00	13	15	23	14	9	18	16	16
50	17	27	28	20.50	20	29	32	18	14	28	21	24
75	21	37	33	24.50	27	35	39	25	20	36	28	28
100	25	47	39	28.75	34	45	44	30	24	40	34	36
125	29	53	44	32.50	39	53	45	34	26	44	40	42
150	33	57	49	34.75	43	65	48	36	29	48	44	46
175	37	63	54	38.00	46	80	50	38	31½	58	50	54
200	41	67	55	.....	53	.....	53	40	34	.....	57	60
225	45	73	55	.....	55	.....	55	44	36	.....	62	.....
250	49	75	.....	.....	60	.....	58	50	39	.....	68	.....
275	53	78	.....	.....	66	.....	58	.....	42	.....	72	.....
300	57	80	.....	.....	69	.....	58	.....	44	.....	76	.....

TABLE showing the Rates on various Railroads for the transportation of Agricultural Implements, Furniture, etc., in comparison with the "Potter Law" rates.

Distances.	WESTERN RAILROADS.				TRUNK LINES.					EASTERN ROADS.		
	Chl. Burlington and Q'n. R. R.	St. Louis, Kansas City and North R. R.	Dolls.	Dolls.	Atlantic and Gulf Western R. R.	Pitts., Ft. W. and Chl. R. R.	Michigan Central R. R.	Lake Shore and Mich. Southern R. R.	Baltimore and Ohio R. R.	Vermont Central R. R.	Boston and Albany R. R.	
Miles.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	
25	11.00	23.00	21.00	26.00	15.00	9.00	14.00	14.00	15.00	18.00	20.40	11.00
50	17.00	34.00	30.00	29.00	30.00	14.00	19.00	22.00	20.00	20.00	28.00	16.20
75	20.00	44.00	35.00	34.00	37.00	20.00	28.00	24.00	25.00	26.00	36.00	20.00
100	23.00	54.00	40.00	42.00	41.00	24.00	37.00	32.00	28.00	34.00	48.00	24.00
125	26.00	60.00	44.00	50.00	55.00	26.00	41.00	34.00	32.00	39.00	55.20	29.00
150	29.00	64.00	45.00	57.00	60.00	29.00	46.00	42.00	36.00	43.00	60.00	33.00
175	32.00	70.00	47.00	60.00	70.00	31.00	54.00	44.00	38.00	46.00	69.60	38.00
200	35.00	74.00	51.00	60.00	.....	34.00	62.00	44.00	43.00	58.00	74.40	42.43
225	38.00	80.00	54.00	60.00	.....	36.00	65.00	50.00	48.00	54.00	81.60	.....
250	41.00	84.00	58.00	.....	.....	39.00	68.00	.....	53.00	59.00	84.00	.....
275	44.00	90.00	60.00	.....	.....	42.00	71.00	.....	.....	60.00	87.60	.....
300	47.00	94.00	63.00	.....	.....	45.00	74.00	.....	.....	62.00	88.80	.....

TABLE showing the Rates on various Railroads for the Transportation of Coal, Brick, Stone, etc., in comparison with the "Potter Law" Rates.

Miles.	Distance.	"Potter Law" Rates.			FERN RAILROADS.			TRUNK ROADS.					N. ENGLAND LINES.	
		Dolls.	Dolls.	Dolls.	St. Louis, Kan. City & North.	Hannibal & St. Joseph.	Baltimore & Ohio.	Atlantic & Gulf Western.	Michigan Central.	Great Western of Canada.	Pitts., P. Wayne & Chicago.	Lake Shore & M. Southern.	Vermont Central.	Boston & Albany.
25	8.00	17.00	21.00	15.00	12.00	7.00	10.00	11.00	11.00	11.00	10.00	14.00	11.40
50	14.00	28.00	27.00	20.00	17.00	12.00	14.00	16.00	14.00	16.00	13.00	18.00	20.00
75	16.50	38.00	32.00	25.00	20.00	14.00	16.00	22.00	19.00	22.00	17.00	26.00	24.00
100	19.00	48.00	37.00	30.00	26.00	17.00	24.00	26.00	22.00	30.00	20.00	30.00	28.00
125	21.50	54.00	42.00	35.00	30.00	19.00	26.00	26.00	26.00	32.00	23.00	36.00	34.00
150	24.00	58.00	47.00	40.00	32.00	22.50	30.00	30.00	30.00	38.00	27.00	40.00	38.00
175	26.50	64.00	48.00	45.00	34.00	24.50	33.00	33.00	32.00	42.00	30.00	46.00	44.00
200	29.00	68.00	50.00	45.00	39.00	27.00	34.00	34.00	35.00	46.00	33.00	50.00	48.00
225	31.50	74.00	52.00	45.00	40.00	29.50	36.00	36.00	38.00	48.00	34.00	56.00	.....
250	34.00	77.00	54.00	45.00	44.00	32.00	38.00	38.00	40.00	52.00	40.00	60.00	.....
275	36.50	80.00	54.00	45.00	48.00	35.00	40.00	40.00	42.00	56.00	.....	64.00	.....
300	39.00	82.00	54.00	.....	50.00	37.00	40.00	.....	44.00	62.00	.....	69.00	.....

TABLE illustrating the immediate Influence of Railroads upon the Increase in Value of Real Estate and other Property in Wisconsin.

Counties which for ten years or more have been traversed by Railways.	Area in acres.	Miles of Railway.	Value of Real Property as equalized in 1864.	Total value of all Property, Real and Personal, in 1864.	Value of Real Property as equalized in 1874.	Total value of all Property, Real and Personal, in 1874.
Brown	518,400	56	\$1,098,077	\$1,237,318	\$5,649,964	\$6,905,753
Columbia	578,680	99	3,578,386	4,449,454	8,644,503	10,821,388
Dane	791,680	135	8,821,169	11,934,662	20,581,248	25,741,848
Dodge	576,000	.....	6,669,799	8,306,521	14,091,878	17,254,771
Fond du Lac	456,800	107	5,745,158	7,308,129	13,965,984	17,449,574
Jefferson	804,640	55	4,088,435	4,875,719	9,422,097	11,788,298
Kenosha	207,920	50	2,825,986	3,720,801	5,386,318	6,774,669
Milwaukee	148,480	69	13,113,646	17,597,708	37,025,197	53,282,565
Outagamie	304,340	47	1,228,000	1,430,626	6,194,367	7,125,466
Racine	225,920	39	3,819,021	4,910,258	8,513,907	11,197,350
Rock	456,800	133	9,371,623	11,993,111	16,750,986	21,556,252
Walworth	304,640	31	6,080,564	8,029,805	11,361,034	14,602,251
Waukesha	304,640	52	5,953,628	7,312,377	11,440,692	14,244,401
Winnebago	311,040	81	2,857,770	3,462,482	11,502,939	15,841,681

Increase in the value of all taxable property in the several counties mentioned, during this period of ten years, \$138,013,806.
Ratio of increase 806 per cent.
Ratio of increase in all the counties of the state 275 per cent.

STATEMENT of Financial Condition of the Railroad System of the United States, January, 1874.*

PARTICULARS.	Northern States.	Middle States.	New England States.	Southern States.	Pacific States.	Total per An. in United States.
Miles of road.....	33,772	14,019	5,314	15,353	2,193	70,651
Square miles of area.....	1,038,588	187,628	68,348	789,378	458,374	2,492,316
Population	14,605,000	10,828,000	3,640,000	11,285,000	853,000	41,211,000
Square miles to one mile railroad.	30.7	9.9	12.9	51.4	209	35.3
Population to one mile railroad .	406	772	685	735	389	583
Cost of railroad per mile.....	\$52,125	\$67,737	\$47,840	\$36,994	\$95,590	\$60,057
Capital stock ..	846,933,411	649,503,037	141,478,329	228,417,107	81,251,700	1,947,638,584
Bond and Debts	883,794,823	477,199,070	122,224,449	280,846,999	102,839,109	1,836,904,450
Total capital account.....	1,730,728,234	1,126,702,107	263,697,778	509,324,106	184,090,809	3,784,543,034
Total receipts from passengers...	51,620,779	42,355,250	22,358,645	15,456,102	5,593,611	137,384,427
Total receipts from freight per cent to total	24.4	21.8	42.5	28.8	36.6	30.8
Total receipts from freight	\$160,097,008	\$151,697,072	\$29,318,048	\$38,456,162	\$9,693,138	\$389,035,508
Total receipts from freight per ct. to total.....	75.6	78.2	57.5	71.2	63.4	69.2
Total receipts, per cent to cost...	11.8	22.5	19.7	10.7	9.9	13.1
Total receipts to one mile railroad	\$6,421	\$12,417	\$9,687	\$3,687	\$9,477	\$7,947
Total receipts to one inhabitant..	14.49	18.00	14.50	4.76	23.68	12.80
Total dividend is paid.....	\$19,055,247	\$36,531,343	\$9,004,458	901,396	1,628,265	67,120,709
Total dividends per ct. on capital.	2.25	5.60	6.36	0.40	2.00	3.45
Total working expenses.....	\$139,253,575	\$124,771,717	\$36,614,911	\$35,551,060	\$6,418,110	\$342,609,373
Total workings per ct. of receipts.	65.8	64.1	66.5	66.2	42.0	65.1
Net earnings	\$72,464,212	\$59,280,585	\$15,061,777	\$18,145,849	\$8,858,639	\$183,810,560
Net earnings per ct. to cost of road	4.2	6.1	6.4	8.6	5.7	4.96
Net earnings per ct. gross receipts	34.2	35.9	33.5	33.8	58.0	34.9

* From Banker's Almanac and Register for 1875.

TABLE illustrating the Progress of Railway Construction in the Several States since 1850; also the Proportion of Railway Mileage to the Area and Population of each State in the Year.

STATES.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Alabama	183	183		304	304	384	454	532	532	628	743	743	805	805	805
Arkansas			214	304							38	38	38	38	38
California						8	23	23	23		23	23	23	53	147
Connecticut	402	451	496	496	496	496	590	590	590	601	601	630	630	630	630
Delaware	39	39	39	39	44	56	79	115	127	127	127	127	127	127	127
Florida	21	21	21	21	21	21	56	128	198	290	402	402	402	402	402
Georgia	643	795	910	962	983	1,020	1,165	1,242	1,297	1,371	1,420	1,420	1,420	1,420	1,420
Illinois	111	271	412	759	788	887	2,235	2,502	2,730	2,781	2,790	2,917	2,998	3,156	3,156
Indiana	228	558	756	1,209	1,317	1,406	1,807	1,895	1,995	2,014	2,163	2,175	2,175	2,175	2,195
Iowa						68	254	344	379	533	655	701	731	792	805
Kansas															40
Kentucky	78	94	94	167	242	242	268	305	458	534	534	549	567	567	567
Louisiana	80	80	80	89	198	203	249	261	281	295	335	335	335	335	335
Maine	245	293	321	334	360	415	429	451	468	472	472	472	505	505	505
Maryland and District Columbia.	259	274	327	327	327	327	327	352	352	277	386	386	408	408	408
Massachusetts	1,035	1,038	1,047	1,105	1,144	1,264	1,264	1,264	1,264	1,264	1,264	1,264	1,285	1,285	1,285
Michigan	842	379	431	431	444	474	501	602	642	737	779	810	853	898	898
Minnesota														81	157
Mississippi	75	75	96	96	222	278	413	483	604	698	862	862	862	862	862
Missouri				38	38	139	144	318	517	724	817	838	838	868	925
Nebraska															
Nevada															
New Hampshire	467	537	568	644	644	657	657	657	657	661	661	661	661	661	661
New Jersey	206	303	318	347	375	466	485	507	516	536	560	587	638	756	964
New York	1,861	1,623	2,081	2,387	2,584	2,583	2,629	2,661	2,661	2,679	2,632	2,700	2,728	2,792	2,821
North Carolina	283	283	350	420	572	582	694	733	849	937	937	937	937	984	884
Ohio	575	588	756	1,200	1,817	1,466	1,187	1,895	2,651	2,812	2,946	2,947	3,101	3,811	3,811

Oregon.....	1,240	1,297	1,372	1,404	1,537	1,800	1,923	2,081	2,340	2,442	2,598	2,802	3,006	3,771	3,860
Pennsylvania.....	68	68	68	68	94	108	108	108	108	108	108	108	108	125	125
Rhode Island.....	289	378	598	652	669	759	848	879	905	972	973	973	973	973	973
South Carolina.....		112	185	291	329	466	541	770	880	963	1,253	1,253	1,253	1,253	1,296
Tennessee.....					32	40	71	157	205	284	307	392	451	451	451
Texas.....								529	529	546	554	562	562	587	587
Vermont.....	290	413	471	506	512	529	529	529	529	546	554	562	562	587	587
Virginia.....	384	520	632	752	839	912	951	1,137	1,168	1,301	1,379	1,379	1,379	1,379	1,379
West Virginia.....	97	159	241	241	241	241	241	352	352	352	352	361	361	361	361
Wisconsin.....	20	50	71	71	97	187	276	630	647	826	905	933	961	990	1,010
TERRITORIES.															
Colorado.....															
Dakota.....															
Indian.....															
Utah.....															
Washington.....															
Wyoming.....															
Grand Total.....	9,021	10,982	12,908	15,360	16,720	18,374	22,016	24,503	26,968	28,789	30,635	31,286	32,120	33,170	33,908

Progress of Railway Construction in the several states, etc.—continued.

	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	Av. Inc. per an.	Area miles.	Sq. miles to 1 mile of R. R.
STATES.												
Alabama	805	859	851	953	1,081	1,157	1,496	1,566	1,723	74.8	50,722	29.2
Arkansas	38	38	38	86	128	256	258	450	700	50.0	52,198	74.5
California	214	308	382	468	708	925	1,013	1,220	1,220	64.2	188,981	154.9
Connecticut	637	637	637	637	692	742	820	808	897	26.4	4,750	5.2
Delaware	134	147	105	165	210	224	227	254	264	9.7	2,120	8.0
Florida	416	416	437	437	446	446	466	466	466	15.0	59,268	127.1
Georgia	1,420	1,502	1,548	1,575	1,652	1,845	2,108	2,160	2,260	71.7	58,000	27.8
Illinois	3,157	3,191	3,224	3,440	4,031	4,823	5,904	6,361	6,589	284.2	55,410	8.4
Indiana	2,217	2,217	2,506	2,600	2,853	3,177	3,529	3,049	3,714	157.7	38,809	9.0
Iowa	891	998	1,288	1,523	2,095	2,683	3,160	3,643	3,728	196.2	55,045	14.7
Kansas	40	240	494	648	931	1,501	1,760	2,341	2,100	210.0	81,318	36.3
Kentucky	567	581	635	813	852	1,017	1,123	1,266	1,320	55.0	37,680	28.5
Louisiana	335	335	335	335	375	479	539	539	539	20.5	41,346	76.7
Maine	521	521	521	560	580	786	871	871	905	32.0	35,000	38.6
Maryland and Dist. C.	446	484	527	535	588	671	820	1,012	1,046	34.2	11,124	10.6
Massachusetts	1,297	1,331	1,401	1,435	1,480	1,480	1,606	1,658	1,755	35.0	7,800	4.4
Michigan	941	1,039	1,163	1,190	1,325	1,638	2,235	2,889	3,809	132.1	56,451	17.0
Minnesota	213	298	482	572	795	1,092	1,612	1,906	1,950	177.2	83,531	42.8
Mississippi	898	898	898	898	990	990	990	990	990	40.0	47,156	17.3
Missouri	925	925	1,085	1,354	1,712	2,000	2,580	2,673	2,858	136.0	65,350	49.6
Nebraska	122	305	473	473	473	705	943	1,051	1,075	119.4	75,995	70.7
Nevada .....	.....	.....	80	402	402	598	598	611	629	89.8	112,090	178.2
New Hampshire	667	667	667	667	702	736	780	810	877	21.8	9,280	10.5
New Jersey	864	879	942	973	1,011	1,125	1,265	1,378	1,418	52.7	8,820	5.8
New York	3,003	3,179	3,245	3,329	3,658	3,928	4,470	4,925	5,165	199.8	47,000	9.0
North Carolina	984	1,042	1,042	1,097	1,130	1,178	1,190	1,250	1,265	48.8	50,704	40.0
Ohio	3,381	3,372	3,398	3,398	3,448	3,538	3,740	4,108	4,258	214.3	89,964	9.3

Oregon.....	19	19	19	61	139	159	241	251	20.9	95,274	379.5
Pennsylvania.....	5,728	4,811	4,398	4,598	4,656	5,118	5,360	5,550	149.1	46,000	8.2
Rhode Island.....	125	125	125	127	136	136	136	159	8.9	1,306	8.2
South Carolina.....	1,000	1,007	1,076	1,101	1,139	1,261	1,290	1,320	48.5	34,000	25.7
Tennessee.....	1,296	1,296	1,436	1,451	1,492	1,520	1,520	1,620	81.0	45,600	27.7
Texas ..	465	471	533	533	711	865	1,078	1,578	78.9	274,356	178.8
Vermont.....	587	587	605	614	614	675	710	721	22.4	10,212	14.1
Virginia.....	1,401	1,442	1,464	1,483	1,486	1,490	1,537	1,573	55.2	38,352	24.3
West Virginia.....	365	365	365	387	387	485	561	576	20.8	23,000	39.9
Wisconsin ..	1,010	1,036	1,235	1,512	1,525	1,725	1,878	2,208	95.3	53,924	24.4
TERRITORIES.											
Colorado.....					157	328	483	608	200.7	140,000	232.1
Dakota.....						65	234	275	91.6	241,000	876.3
Indian.....						92	279	279	93.0	70,000	250.8
Utah.....				257	257	257	349	372	74.5	108,000	263.4
Washington ..						25	65	105	35.0	70,000	666.6
Wyoming.....		82	447	447	459	459	459	459	65.5	100,000	218.0
Grand Total...	35,085	36,827	39,276	42,373	47,373	60,077	67,104	70,651			

Average number square miles to one mile of railway for all the states..... 49.1
Av. No. sq. miles to one mile of railway for all the states and territories in which railways have been built 100.5
General average increase of mileage per annum in all the states..... 85.0
General average increase of mileage per annum in all the states and territories..... 86.1

STATEMENT showing Funded Debt and Net Earnings of the Railroads of the United States.

RAILROAD NETWORK IN	Bonds and Debt.	Net Earnings requir- to pay 7 per cent.	Actual Net earnings.	Amount left for Dividends.
Western States.....	\$883,794,823	\$62,265,637	\$72,464,212	\$10,198,575
Middle States.....	477,199,070	33,408,934	69,280,585	35,876,651
New England States	122,224,449	8,555,711	15,061,777	6,506,066
Southern States.....	280,846,999	19,659,289	18,145,849	1,513,940
Pacific States.....	102,839,109	7,198,247	8,853,039	1,660,392
Totals.....	\$1,836,904,450	\$128,583,811	\$188,810,562	\$53,227,251

THE RAILWAYS OF THE WORLD.

COUNTRIES.	Date. Jan. 1.	Mileage.	Sq. miles to 1 mile of r'lway	Cost per mile.	Total Cost.
United States—					
New England	1874	5,814	12.9	\$47,840	\$263,697,778
Middle States	1874	14,019	9.9	67,737	1,126,702,107
Western States	1874	33,772	30.7	52,125	1,730,728,284
Southern States	1874	15,353	51.4	36,994	509,324,106
Pacific States	1874	2,193	209.0	95,590	154,090,809
Total U. S.	1873	70,651	.....	\$53,566	\$3,784,542,934
Canada	1870	2,928	148.0	70,160	205,428,480
Mexico	1873	300	3,435.0	54,920	16,476,000
Honduras	1873	62	638.0	95,000	5,890,000
Costa Rica .....	.....	82	318.0	90,000	7,380,000
North America		74,023	.....	\$54,803	\$4,019,717,414
Gt. Britain and Irel'd.	1874	16,082	8.0	182,912	2,941,601,540
France	1872	10,706	19.0	158,714	1,716,333,196
Belgium	1872	1,892	6.0	106,987	202,419,404
Switzerland	1871	820	18.0	87,134	71,448,240
Spain	1870	3,801	54.0	107,156	407,299,956
Portugal	1869	453	81.0	101,317	45,896,601
Italy	1871	3,895	27.0	89,712	349,428,240
Austria and Hungary.	1872	7,529	30.0	73,915	556,506,035
Germany	1873	13,066	15.0	88,493	1,156,249,538
Netherlands	1872	1,045	13.0	97,202	101,575,045
Denmark	1872	530	28.0	57,114	30,270,420
Sweden and Norway.	1873	1,049	292.0	66,438	69,693,462
Russia	1872	7,297	280.0	166,477	1,214,782,669
Turkey	1873	488	3,720.0	46,879	22,852,552
Roumania	1871	507	90.0	46,729	23,691,608
Greece .....	.....	100	199.0	50,000	5,000,000
Europe		69,260	.....	128,718	\$8,915,048,501
British India	1870	4,182	230.0	100,500	420,271,000
Asia		4,182	230.0	\$100,500	\$420,271,000
Egypt	1870	737	907.0	96,504	71,123,448
Cape of Good Hope ..	1873	184	5,000.0	92,103	12,341,802
Africa		871	.....	95,826	\$83,465,250
Australia	1870	1,058	2,404.0	99,622	105,400,076
Brazil	1872	410	7,573.0	201,157	82,474,370
Paraguay	1872	44	2,334.0	89,790	3,950,760
Uruguay	1873	57	1,290.0	86,000	4,902,000
Argentine Confed	1872	875	955.0	53,918	47,178,250
Columbia	1873	65	6,600.0	166,667	10,833,355
Peru	1873	375	1,340.0	56,410	21,153,750
Chili	1872	452	298.0	61,309	27,711,668
South America		2,278	.....	87,008	\$198,204,153
Grand Totals		151,632	.....	\$90,627	\$13,742,106,394

LAWS RELATING TO RAILROADS.

STATE LEGISLATION.

Laws Relating to the Chicago and Northwestern Railroad, and the Roads merged in and absorbed by it.

[In abstract.]

GALENA AND CHICAGO UNION RAILROAD COMPANY.

From Galena to Chicago. Capital stock, \$100,000, which may be increased to \$1,000,000. Seven directors shall be chosen by stockholders, who shall have one vote for each share of stock, but no stockholder shall be allowed to vote at any election, after the first, for any stock assigned to him within thirty days of such election. Company may construct lateral routes, unite with any other railroad company upon any part of the route, and construct such lateral route as may be necessary to connect them with any other route deemed expedient. May construct a stone or gravel turnpike on any part of said route, and erect toll gates. May borrow money to an amount not exceeding capital stock. *Act of Illinois Legislature, approved Jan. 16, 1836.*

BELOIT AND MADISON RAILROAD COMPANY

Chap. 45 Laws of 1852, approved Feb. 18

Act of incorporation. Capital stock \$1,200,000. Shares \$50 each. Route to be from Beloit to Madison. May consolidate with intersecting roads. To make a division of profits when they exceed six per cent. upon capital stock paid in. Authorized to borrow money.

Chap. 21 Laws of 1853, approved Feb. 15.

Charter amended so that road shall not cross the north line of town two north, west of range eleven east of 4th meridian.

Chap. 338 P. Laws of 1857, approved March 7.

Authorizing certain towns in Rock and Dane counties to aid, repealed. See chap. 195, P. Laws of 1858.

Chap. 104 G. Laws of 1863, approved March 26.

Legalizes the foreclosure and sale of the Beloit and Madison Railroad, and reorganizes it under the same name, provided it is holden for the payment of

a judgment in favor of David Merrill, rendered Jan. 12, 1853, against the original company.

Chap. 370 P. Laws of 1866, approved April 9.

Authorized to consolidate with the Chicago and Northwestern R'y. Co., as the same is consolidated with the Galena and Chicago Union Railroad Co., the Dixon, Rockford and Kenosha Railroad Company, and the Peninsula Railroad Co., of Michigan. May exercise all the powers heretofore conferred upon the Chicago and Northwestern Railroad Company and the Kenosha and Rockford Railroad Company. Shall not take up any of its main tracks in this state.

ILLINOIS AND WISCONSIN RAILROAD COMPANY.

From the north line of McHenry county, Illinois, to Woodstock, thence to any point on the Chicago and Galena Union Railroad deemed practicable to form a junction, in the counties of Cook, Kane and McHenry. Company may form a junction with any railroad company in the counties of Kane and Cook, and may consolidate with any company now or hereafter incorporated by the state of Wisconsin. The company may also extend their road from Woodstock to Chicago, and unite or connect with any railroad company or corporation associated together in Chicago, or with any railroad company running from the south part of Illinois to Chicago, or with any company running from the east through the state of Indiana, and terminating at, or passing through Chicago.—*Act of Illinois Legislature, approved Feb. 12, 1851*

LA CROSSE, TREMPLEAU AND PRESCOTT R. R. COMPANY.

Capital stock, \$5,000,000. Shall be managed by eleven directors, who shall be stockholders, and possess all the powers of the corporation. Directors shall be chosen by the stockholders, and the number may be increased to fifteen. Directors may receive land or other estate, real, personal or mixed, in payment for stock; may mortgage their property to any extent, on such terms as they may think proper; may make any contract or agreement they may think proper, with any other railroad company, for the leasing or purchase of the whole or any part of said other railroad, or may lease or sell this road to any other company or persons, on such terms as they may think proper. The company may construct a road from some point in the city of La Crosse, by the way of Trempeleau and Fountain City, to Prescott, with such branches for connection with the Milwaukee and La Crosse Company, as the company shall determine: *provided*, this company shall not connect with the western division of said Milwaukee and La Crosse Road more than four miles out of the corporate limits of the city of La Crosse. The company may "connect with any other railroad in this state," and may "extend their line so far as may be necessary to make such connection," and may consolidate with such other company. The company may create any debt and issue bonds not exceeding in amount the amount of the capital stock

outstanding at any one time. In case the company shall locate the line of their railroad on any lands belonging to the state, the said lands, to the extent of one hundred feet in width, along the line of said road, are granted to the company.—*Approved March 6, 1857.*

MADISON AND BELOIT RAILROAD COMPANY.

Laws of 1848, chap. 161, approved Aug. 19.

From the village of Beloit to the village of Janesville, thence to the city of Madison. Capital stock, \$350,000. All tolls accruing above six per cent. on capital stock paid in, required to be divided among the stockholders; "and no accumulative fund, exceeding one per cent. of the profits of the company, shall remain undivided for more than six months."

AMENDMENT: *Laws of 1850, chap. 65, approved Feb. 4.*

Company authorized to change the location, "and terminate the same at any point that to them shall seem convenient, on the south line of the state of Wisconsin, and at such termination as may unite with any other railroad." Also "to extend the road to any point on the Wisconsin river that to them shall seem proper." Company authorized to increase capital stock to \$600,000.

AMENDMENT: *chap. 219, Laws of 1850, approved Feb. 9.*

The Madison and Beloit Company may extend their road from Janesville to Lake Winnebago, by way of Fort Atkinson, Jefferson and Watertown; for that purpose may add 10,000 shares of \$100 each (\$1,000,000), to capital stock, to take effect on assent of company. [Assented to Feb. 14, 1850.] Name changed from Madison and Beloit to "Rock River Valley Union Railroad Company." Company authorized to divide any portion of capital stock into shares of \$25.00 each, and members of company entitled to one vote for each share.

May change name to

"ROCK RIVER VALLEY UNION RAILROAD COMPANY."

Chap. 189, Laws of 1851, approved March 11.

Company may extend the Rock River Branch of the road to Lake Superior. May increase capital stock \$3,000,000. May increase directors to 15. May connect with, or become owner, or part owner, or lessee, of any road in Illinois, and any Illinois road may become owner, part owner, or lessee of this road, or any branch or portion thereof. May issue bonds not to exceed three-fourths of amount actually expended in said road and appendages at completion. Estimates of cost hereafter need not be made "for each mile separately," as originally provided. That portion of act of Aug. 19, 1848, requiring dividend of accruing tolls, prohibiting accumulative fund, etc., repealed. No longer required to provide wagon ways on land passed through.

Chap. 196, Laws of 1852, approved April 1.

Amending act of March 11, 1851, concerning the Rock River Valley Union Railroad.

Shall make fence. How awards of damages for right of way shall be arranged. May extend road from point of intersection on the Wisconsin river to the village of La Crosse, and from thence to Willow river and St. Croix Falls. To commence such extension within two years. May increase capital stock to three millions.

Consolidated as "Chicago, St. Paul and Fond du Lac Railroad Company," March 30, 1855. [See Appendix.]

Chap. 137, Laws of 1855, approved March 10.

Authorizing consolidation of the Illinois and Wisconsin Railroad Company in the state of Illinois, and the Rock River Valley Union Railroad Company, May select any name directors see fit. Shall have all the rights, privileges and franchises conferred by Illinois and Wisconsin: "provided, the laws of the state of Illinois shall have no force or effect in the state of Wisconsin." Consolidated company may execute writings, notes, bonds or mortgages of real or personal property to secure payment of liabilities incurred or to be incurred for construction and equipment, at an interest not exceeding ten per cent. Cities, towns and villages authorized to loan credit as before.

[See Appendix for consolidation of Illinois and Wisconsin Railroad Company, and Rock River Valley Union Railroad Company, March 30, 1855.]

WISCONSIN AND SUPERIOR RAILROAD COMPANY.

Chap. 137, Laws of 1856, approved Oct. 11.

From Fond du Lac, via Oshkosh, to State Line, on St. Louis river, or to other point on State Line, within the meaning of act of congress, approved June 3, 1856. May purchase and own woodland for the purpose of operating or fencing railroad, and may sell the same; also, estates, real, personal or mixed, proper for construction, equipment, renewal, repair, maintaining, or operating road; may possess and sell lands granted by the state or United States, for aiding construction of road. All other estates, property and effects acquired by said company by gift or grant, shall always be subject to taxation. May connect, by written contract, filed with Secretary of State, with all other roads crossing, coming up to or connecting with this, without preference to one road over another. Shall commence construction at Fond du Lac, and first complete to town 21, N. R. 17 E. Shall complete the entire road by June 3, 1866. All lands granted by act of congress, June 3, 1856, conferred. Company may issue bonds or other evidences of debt without limitation of principal or interest, secured on the road and all its other property, and to provide a sinking fund for payment of same. May consolidate with any road in the state of Michigan.

Chap. 17, P. Laws of 1857, approved Feb. 12.

An act to authorize the Chicago, St. Paul and Fond du Lac Railroad Company and the Wisconsin and Superior Railroad Company to consolidate under the title of

"CHICAGO, ST. PAUL AND FOND DU LAC RAILROAD COMPANY,"

Upon terms agreed upon by the two boards of directors, with consent of a majority of stockholders in each company. Capital stock of the consolidated company shall be the aggregate amount of stock of the two companies, with power to increase the same to \$15,000,000, or the whole cost of its line of railroad or other property. Name to continue "Chicago, St. Paul and Fond du Lac Railroad Company." The title to all the lands granted by congress under act of June 3, 1856, and subsequently conferred on the Wisconsin and Superior Company are hereby confirmed in the new consolidated company. The new company shall not pay more taxes relatively, than other Wisconsin railroad companies, except on that portion of their line indicated in said act of congress, which shall remain as provided in the charter of the Wisconsin and Superior Company. All municipal corporations, towns, villages or cities shall possess the same authority to loan their credit or subscribe stock as before. Any railroad company whose route shall intersect the route of the consolidated company, north of Fond du Lac, shall be entitled to running connections upon fair and just principles, so that said consolidated company shall have no advantage in the transportation of freight and passengers to Chicago over any connecting road running to any city or town on Lake Michigan.

Chap. 29, G. Laws of 1857, approved March 2, 1857.

An act to amend chapter 137, General Laws of 1856.

The Wisconsin and Superior Railroad Company authorized to construct branch road, "beginning on some point on the line of said road north of the south line of Outagamie county, and running from thence and on the east side of said road to some point on the Michigan State Line."

Chap. 334, P. Laws of 1857, approved March 7.

Chapter 196 of Laws of 1852, amended by substituting the word "seven" for the word "two."

Chap. 414, P. Laws of 1857, approved March 9,

Authorizes the Chicago, St. Paul and Fond du Lac Railroad Company to take and hold in payment of stock any land or other estate, and to sell or lease the same. Such property to be liable to taxation the same as other property in the state, excepting track, etc. Also, to subscribe for and hold stock in any other railroad company in this state, connecting with any of the roads of this company.

Consolidated as Chicago, St. Paul and Fond du Lac R. R. Co., March 5, 1859. (See Appendix.)

Act of Illinois Legislature, approved Feb. 19, 1859.

If any mortgage or deed of trust shall be foreclosed against the Chicago, Fond du Lac and St. Paul Company, the parties acquiring title shall thereby become possessed of all the rights, privileges, grants, immunities and advantages included in the mortgage or deed, previously belonging to the company, by virtue of the laws of this or any other state through which the road

runs, or under charters acquired by consolidation with companies in other states, "with such variations in manner and form of organization as their altered circumstances and better conveniences may seem to require." The new corporation may pledge the entire property acquired, real, personal or mixed, or which they may thereafter acquire, for the payment of any debt previously or subsequently created, "or to pay for the whole or any part of the purchase money, or cost of said road, at the sale thereof to the purchasers thereof," the amount of debt and interest to be limited only by the discretion of the directors of the new company. Meetings of directors, officers or stockholders of new company may be held in or out of the state.

Chap. 108, P. Laws of 1859, approved March 14.

"An act to facilitate and authenticate the formation of a corporation by the purchasers of the Chicago, St. Paul and Fond du Lac Railroad Company."

In case of sale under purchase of mortgage, the purchasers may file with secretary of state a certificate specifying the formation of corporation, with name, etc, "and shall also have power to create and issue a special stock to represent its lands and bonds, which stock shall be subject to assessment and entitled to dividends only to such extent, and upon such conditions as shall be fixed by the act or agreement of the corporation creating the said stock, and not otherwise, but may be voted on the same as other stock."

Chap. 135, P. Laws of 1859, approved March 15.

To amend chapter 196 of the Laws of 1852. Time extended 10 years additional.

Sale June 2, 1859, of Chicago, St. Paul and Fond du Lac Railroad from Chicago via Woodstock to Janesville, and thence via Watertown to Fond du Lac.

June 6, 1859, incorporated under the name of "Chicago and Northwestern Railway Company. [See Appendix.]

Chap. 35, P. Laws of 1861, approved March 28.

Chicago and Northwestern Company authorized to make arrangements for running on joint account with Fort Howard and Appleton and the Green Bay and Madison Railroad Companies, and other railroad companies whose railroads connect with or intersect its railroad at any point on the line of said road north of the line of the Milwaukee and Minnesota or La Crosse and Milwaukee Railroad Company, and to lease or purchase such railroads or consolidate with the companies owning the same; and all the said companies are hereby empowered to enter into all agreements for the purposes aforesaid.

Chap. 84, P. Laws of 1862, approved March 8.

Company authorized to construct a new line "from some point on the line of its road, in the town of Neenah, thence on the east side of said road, through the villages of Neenah and Menasha and across Doty's Island, thence keeping west of the canal, to connect with the main line at such point as shall be most convenient; also, beginning at some point on the line of said road, in the county Outagamie, and running thence on the east side of said road, via the town of Howard, to the Michigan state line. And there is here.

by conferred upon the said Chicago and Northwestern Railway Company all rights, privileges, powers and authority contained in the charter of said railway company, or in the charter of the Chicago, St. Paul and Fond du Lac and Wisconsin and Superior railroad companies, to which the said Chicago Northwestern Railway company is the successor."

Such company may change, re-locate or take up such of its tracks, side-tracks or branches, as it may deem necessary for the convenient management of its business, and said company, as now consolidated, may have and exercise all the powers heretofore conferred by the laws of this or any other state upon the Chicago and Northwestern Railway Company, and the Galena and Chicago Union Railway Company, or any other company consolidated with it. Approved February 15, 1865.

Chap. 337, P. Laws 1870, Approved March 15.

Directors of company may guarantee principal and interest of bonds or other obligations issued by the Winona and St. Peter company, or the La Crosse, Trempealeau and Prescott company, and such guaranty heretofore executed of the bonds with interest of the Winona and St. Peters company is confirmed.

Chap. 343, P. Laws of 1867, approved April 5.

Chicago and Northwestern Railway Company may own shares in capital stock of Michigan Transportation Company, Green Bay Transit Company, and Chicago and Milwaukee Railroad Company, and Beloit and Madison Railroad Company.

Chap. 57, G. Laws of 1868, approved March 2.

Chicago and Northwestern Railway Company authorized to apply for partition and sale of lands on which it had, in 1859, issued convertible land grant certificates for 240 sections, or 153,600 acres of land; said certificates entitled the holder to receive such a proportionate share of said lands as the amount of money for which the same was given, and expressed therein, bore to \$1,840,000, the appraised value thereof.

Chap. 295, P. Laws of 1870, approved March 14.

Chicago and Milwaukee Railway Company and the Chicago and Northwestern Railway Company authorized to consolidate.

Chap. 121, P. Laws of 1870, approved February 25.

Western Union Railroad Company authorized to increase their capital stock to \$40,000 per mile, etc., but shall not consolidate with the Chicago and Northwestern Railway Company.

Chap. 172, P. Laws of 1870, approved March 8.

Baraboo Air Line Railroad Company, incorporated, to run from Columbus, Watertown, Madison or any point intermediate, via the villages of Lodi, Baraboo, Ableman's Mills and Reedsburg in the Baraboo valley, to Tomah, La Crosse or any point on the Mississippi river above La Crosse.

Chap. 73, P. Laws of 1871, approved Feb. 17.

To authorize consolidation of the Chicago and Northwestern Railway Company with the Baraboo Air Line Railroad Company; La Crosse, Tremp-

ealeau and Prescott Railroad Company; with the Winona and St. Peter Railroad Company; and with the Winona, Mankato and New Ulm Railroad Company. The company to have the power to construct and operate a line of railroad so as to connect the main line authorized to be constructed by the Baraboo Air Line Company with the line of any railroad or railway in Wisconsin, west of the range line dividing ranges two and three east of the fourth principal meridian, and to operate the whole or any portion of the lines of either or any of the companies in this act named as a portion of its consolidated line. May "borrow any sum or sums of money." All acts in consistent repealed.

KENOSHA AND BELOIT RAILROAD.

Chap. 60, P. Laws of 1853, approved March 4.

Incorporation of Kenosha and Beloit Railroad Company. Capital stock \$1,000,000. Route from Kenosha to Beloit, to connect with any other railroad running from Rock river to the Mississippi river. May borrow any sum of money, * * * paying rate of interest which may be agreed upon. May consolidate with any railroad company with which it may intersect.

AMENDMENT: Chap. 152, P. Laws of 1855, approved March 13.

Authorized to build branch to intersect with the main road * * * from some suitable point in the counties of Walworth or Rock, to the city of Janesville; also authorized to change name to "Kenosha and Rock river Railroad Company," or "Kenosha and Mississippi Railroad Company."

Chap. 190, P. Laws of 1856, approved March 20.

Authorizing Kenosha and Beloit Railroad Company to extend its road to a point of intersection with the Mineral Point road, at or near the place where the said Mineral Point road touches the southern boundary of this state.

Chap. 22, P. Laws of 1857, approved Feb. 14.

Name of "Kenosha and Beloit Railroad Company" changed to "Kenosha and Rockford Railroad Company." Not necessary to construct to Beloit—may construct the road from Kenosha to some point on state line near the village of Genoa, in Walworth county.

Chap. 138, P. Laws 1857, approved March 2.

Kenosha and Rockford Railroad Company of Illinois, and Kenosha and Rockford Railroad Company of Wisconsin, may consolidate and choose any other name. To file certificate with Secretary of State.

Consolidation June 19, 1857. Kenosha and Rockford Railroad Company of Wisconsin, and the Kenosha and Rockford Railroad Company of Illinois and the Rockford and Mississippi Railroad Company of Illinois, under the name of "The Kenosha, Rockford and Rock Island Railroad Company." (See Appendix.)

Chap. 125, P. Laws of 1871, approved Feb. 25.

Incorporation of Milwaukee and Northwestern Railway Company. Capital stock \$5,000,000. Route to be from Milwaukee or on the track of the

Horicon Division of the Milwaukee and St. Railway at or east of the village of Schleissingerville, or on the track of the Milwaukee and Northern Railroad northerly from Milwaukee, through the village of West Bend to Fond du Lac, and from thence northwesterly to some point on Lake Superior. May borrow any sum of money.

Chap. 878, P. Laws of 1871, approved March 21.

Certain towns, cities and villages may aid the Milwaukee and Northwestern Railway Company.

Name of Milwaukee and Northwestern Railway Company changed to "Northwestern Union Railway Company." Notice filed with Secretary of State, May 4, 1872.

Consolidation of Chicago and Milwaukee R. R. Co. per laws of Illinois, and the Milwaukee and Chicago R. R. Co. per laws of Wisconsin, under the name of "Chicago and Milwaukee Railway Company," 5th June, 1863. See Appendix.

Consolidation of Kenosha and State Line R. R. Co. of Wisconsin, and Dixon, Rockford and State Line R. R. Co. of Illinois, 16th Jan., 1864. To be called the Dixon, Rockford and Kenosha Railway Co. See Appendix.

Consolidation of Chicago and Northwestern Railway Company and the Dixon, Rockford and Kenosha Railway Company, 19th January, 1864. See Appendix.

Consolidation of Chicago and Northwestern Railway Co. and the Galena and Chicago Union R. R. Co., 2d June, 1864. See Appendix.

Consolidation of Chicago and Northwestern and Peninsula R. R. Co. of Michigan under the name of Chicago and Northwestern Railway Company. See Appendix.

For consolidation of Chicago, St. Paul and Fond du Lac R. R. Co., and the Wisconsin to Superior R. R. Co., to be called the "Chicago, St. Paul and Fond du Lac R. R. Co." March 5, 1857. See Appendix.

For consolidation March 27, 1857. Chicago, St. Paul and Fond du Lac R. R. Co., and the Outagamie and State Line R. R. Co. See Appendix.

For consolidation March 21, 1857. Chicago, St. Paul and Fond du Lac R. R. Co. with the Marquette and State Line R. R. Co. See Appendix.

*Laws relating to the Milwaukee and St. Paul Railroad, and the
Roads merged in and absorbed by it.*

[In abstract.]

Milwaukee and Waukesha Railroad incorporated February 11, 1847.

Milwaukee and Waukesha Railroad, name changed to Milwaukee and Mississippi, Feb. 1, 1850.

Milwaukee and Fond du Lac Railroad incorporated February 21, 1851.

Milwaukee and Watertown Railroad incorporated March 11, 1851.

Madison and Prairie du Chien Railroad incorporated March 24, 1852.

La Crosse and Milwaukee Railroad incorporated April 2, 1852.

Southern Wisconsin Railroad incorporated April 7, 1852.

Milwaukee and Horicon Railroad incorporated April 17, 1852.

Watertown and Madison Railroad incorporated March 17, 1853.

Milwaukee, Fond du Lac and Green Bay Railroad incorporated April 2, 1853.

Madison, Fond du Lac and Lake Michigan Railroad incorporated March 31, 1855.

Madison, Fond du Lac and Lake Michigan Railroad; name changed to Milwaukee, Watertown and Baraboo, May 18, 1858.

Madison, Fond du Lac and Lake Michigan Railroad; name changed to Milwaukee and Watertown, March 11, 1861.

Milwaukee and Prairie du Chien Railroad, incorporated by articles of association after sale of Milwaukee and Mississippi Railroad, January 14, 1861.

Milwaukee and Minnesota Railroad incorporated by articles of association after sale of Milwaukee and La Crosse Railroad, May 21, 1859.

Milwaukee and St. Paul Railroad incorporated by articles of association May 5, 1863.

Wisconsin Union Railroad Company incorporated April 11, 1866.

Milwaukee and St. Paul Railroad; name changed to Chicago, Milwaukee and St. Paul Railroad after consolidation with Wisconsin Union, February 11, 1874.

MILWAUKEE AND WAUKESHA RAILROAD COMPANY.

From Milwaukee to Waukesha. Capital stock \$100,000. On sworn proof that said stock had been subscribed for in good faith, and five per cent. actually paid in, the commissioners were declared a body corporate and politic, with perpetual succession, and vested with all the privileges, franchises and immunities incident to a corporation. They were required to give thirty days notice, by publication, of the time and place of meeting for the purpose of electing nine directors, and the meetings for this purpose were required to be held on the first Monday of July in each year. The affairs of the corporation were to be managed by the board of directors, to be chosen annually by ballot, by votes of the stockholders. The board was authorized to appoint one of their own number as president, and the term of office was fixed at one year. They were also authorized to appoint a secretary, treasurer, engineers, and such other officers as were necessary. At each annual meeting a complete statement of the company's affairs was required to be exhibited for the year preceding. If the company did not within three years commence the construction of the road and expend \$20,000 or more thereon, and did not, within five years, finish and put the line in operation to the vil-

lage of Prairieville, the powers, rights and privileges of the corporation were declared to be null and void. The company was authorized to enter upon and take lands upon the line of the road for a track, upon making compensation; but was prohibited, in a corporate capacity, from holding, purchasing or dealing in any lands other than those over which the road should run. On the completion of ten miles, the company was authorized to charge such sum for passage and freight as they should from time to time think reasonable. At any annual or special meeting, the company was empowered to increase its capital stock to an amount not exceeding \$300,000. *Act approved Feb 11, 1847.*

Unimportant amendments are made by chap. 46, territorial laws of 1848 and chap. 239, state laws of same year. By chap. 92, laws of 1849, the city of Milwaukee was authorized to grant aid to the extent of \$250,000, by a loan of its credit.

MILWAUKEE AND MISSISSIPPI RAILROAD CO.

Charter of Milwaukee and Waukesha Railroad Company amended by chap. 49, laws of 1850. Name changed to Milwaukee and Mississippi Railroad; its affairs to be managed by a board of not less than nine, nor more than fifteen directors. Company empowered to enter upon lands beyond the limit of four rods, whenever necessary for the purpose of erecting depots, station-houses and necessary fixtures for the operation of the road, as well as for the purpose of making drains and giving proper direction to water courses, and to remove all such substances or things beyond the limits of the road as might obstruct or endanger travel and transit. Power was also given for crossing any public or private road, and penalties were provided for wilful and malicious obstructions to the track. *Act approved Feb. 1, 1850.*

Chap. 111, laws of 1852, empowers the company to extend its track to the Milwaukee and Menomonee rivers, and to purchase the necessary lands for depots and other purposes. *Act approved March 11, 1852.*

By chap. 348, laws of 1853, the charter of 1847 was amended as to section 11, by authorizing the Chief Justice of the Supreme Court to annually appoint three arbitrators, instead of this duty being performed by the circuit judge, in cases of dispute on questions of damages, etc., as had been the practice. *Approved July 6, 1853.*

Chap. 255, laws of 1853, authorizes the company to purchase a portion of the Southern Wisconsin Railroad, and extend its track from the point of intersection in the town of Milton, to the city of Janesville, in Rock county. *Act approved April 2, 1853.*

Chap. 320, Laws of 1853, authorizes the Milwaukee and Mississippi Railroad to consolidate with the Madison and Prairie du Chien Company, on terms to be mutually agreed upon, with an aggregate consolidated stock of \$4,500,000. *Act approved June 25, 1853.*

Chap. 63, Laws of 1854, changes the time of annual meeting of stockholders from the second Tuesday of January in each year, to the second Tuesday in February. *Act approved Feb. 21, 1854.*

Chap. 330, Laws of 1854, authorizes the company to build a branch road from some suitable point in the valley of Black Earth creek, in Dane county, to some convenient place at or near Sauk Prairie, in Sauk county. *Act approved April 3, 1854.*

Chap. 61, Laws of 1855, grants additional power to the Milwaukee and Mississippi Railroad Company to extend its track from the city of Janesville westerly to the village of Monroe, in Green county, and through or near the villages of Shullsburg and Benton, in La Fayette county, to a point on the Mississippi river, thence along the river to a point opposite or near Dubuque, in the state of Iowa, through the county of Grant. All rights, powers, privileges and franchises of the company are conferred on the proposed extension. The capital stock is authorized to be increased to a gross sum of \$8,000,000, and the number of directors to a number not exceeding seventeen. *Act approved Feb. 17, 1855.*

Chap. 66, Laws of 1856, repeals section 10 of the charter of the Racine, Janesville and Mississippi Railroad Company, approved April 17, 1852, and prohibits any interferences with the Milwaukee and Mississippi Railroad Company in the construction of its road from Janesville to the Mississippi river. *Act approved Feb. 29, 1856.*

Chap. 308, Laws of 1860, "An act to facilitate and authenticate the formation of a corporation by the purchase of the Milwaukee and Mississippi Railroad Company," provides that in case of the sale of the road by foreclosure of mortgage or deeds of trust, the purchaser or purchasers or their assigns, if desiring to create a corporation, could do so by filing with the Secretary of State, a certificate specifying the name of the corporation and the names of directors for the first year, etc., and thereupon the new company should be vested with all the powers, privileges, immunities and franchises of the old one. The stock basis of the new company was limited to \$7,500,000. It was authorized to issue as many classes of preferred stock as there were mortgage liens upon the road, to an amount not exceeding \$4,500,000, the dividends upon which were limited to 8 per cent. annually. The preferred stockholders of the first and second classes were authorized to elect the directors until a dividend was earned on all of the preferred shares of the several classes, when all the preferred stockholders were to elect directors until a dividend was earned on all shares of the company. Thereafter all stockholders were authorized to vote for directors. No debt or mortgage could be incurred without a vote of two-thirds of the preferred stockholders. Current expenses were to be first paid, and a sinking fund of surplus earnings set aside, and dividends were not to be declared until the capital stock was reduced to six millions, and the earnings seven per cent. on all the stock of the company. *Act approved March 31, 1860.*

Chapter 86, Laws of 1862, amends chapter 308, general laws of 1860, by repealing section 7, and confirming the articles of association of the purchasers of the Milwaukee and Mississippi Railroad Company, executed by officers of the old organization January 21, 1861, a copy of which was on file in the office of Secretary of State. *Act approved April 5, 1862.*

MILWAUKEE AND FOND DU LAC RAILROAD.

Incorporated by chapter 94, Laws of 1851, with twenty-five commissioners, who were authorized to organize by choosing a board of thirteen directors. Capital stock limited to \$800,000. The route prescribed was from the city of Milwaukee, via Iron Ridge, in the county of Dodge, to the town of Fond du Lac, in Fond du Lac county. The company was authorized to borrow money, contract debts, sue and be sued, and perform all the usual business of an incorporated body. At any time within five years after the passage of the act, the company was authorized to extend its road on the west side of Lake Winnebago and Fox river, from the city of Fond du Lac to Green Bay, in Brown county, in which event it was authorized to increase its capital stock to \$2,000,000. *Act approved Feb. 21, 1851.*

Chap. 244, Laws of 1853, authorized the city of Milwaukee to loan its credit to the Milwaukee and Fond du Lac railroad company, among others, in a sum not exceeding \$200,000, the bonds to be issued being payable in not less than ten nor more than twenty years. In consideration of such issue, the company was required to execute to the treasurer of the city a bond of indemnity in double the amount of the par value of the loan, to punctually pay all interest and principal as it became due, and all damages that might be sustained growing out of the same. It was made the duty of the common council of the city to see to it that security was ample before the issue of any bonds. This done, the faith of the city was pledged for the payment; but before any issue, an ordinance providing for such delivery was required to be submitted to the voters of the city at a special election held for that purpose, and a majority of the votes cast on the subject was made necessary to its legal validity. *Act approved April 2, 1853.*

Chap. 321, Laws of 1853, authorized the Milwaukee and Fond du Lac Railroad Company to consolidate its capital stock with the capital stock of the Milwaukee, Fond du Lac and Green Bay Railroad Company, upon terms to be mutually agreed upon, and to increase the capital stock to the aggregate of the capital stock of the two companies; the name of the new company to be the Milwaukee, Fond du Lac and Green Bay Railroad Company. The directors of the new company were not to be less than seven, nor more than thirteen. Sec. 4 authorized the city of Milwaukee to issue the bonds provided for in chap. 244, laws of 1853, to the consolidated company. *Act approved June 27, 1853.*

Chap. 380, Laws of 1853, authorized the city of Milwaukee to loan its credit to the Milwaukee and Watertown Railroad Company, and any other railroad company duly incorporated and organized for the purpose of constructing railroads leading from the city of Milwaukee into the interior of the state, which, in the opinion of the common council, are entitled to aid from said city; provided, that the amount so issued should not exceed \$200,000 to any one road, and the total aggregate to all roads should not exceed \$1,000,000. *Act approved July 12, 1853.*

Chapter 265, laws of 1854, amends the act authorizing the city of Milwau-

kee to loan its aid, so as to authorize it to issue not exceeding \$300,000 in bonds to the Southern Wisconsin Railroad Company, and limits the aggregate amount of indebtedness to \$1,500,000. The issue to be made in all respects upon the same terms as in the original act authorizing such loan. *Act approved March 31, 1854.*

Chapter 164, laws of 1856, amends the act authorizing the city of Milwaukee to loan its credit, by providing that the aggregate of all loans to all companies shall not exceed \$2,000 000. *Act approved March 18, 1856.*

Chapter 185, laws of 1857, authorizes certain towns in Fond du Lac county to loan their credit by a majority vote of the people in aid of the construction of the Milwaukee and Fond du Lac Air Line Railroad Company, and requires the company to mortgage a part of its line as security for the issue, at the rate of \$30,000 for each six miles of constructed road in favor of said towns. *Act approved March 8, 1857.*

MILWAUKEE AND WATERTOWN RAILROAD COMPANY.

Incorporated by chapter 176, Laws of 1851, with substantially the same provisions as the charters of all similar roads. *Act approved March 11, 1851.*

Chap. 28, Laws of 1852, amends section twenty-four of chap. 176, laws of 1851, by authorizing the Milwaukee and Watertown Railroad Company to extend its road from the village of Watertown in Jefferson county, by way of the village of Columbus and Portage City in Columbia county, to Prairie La Crosse in the county of La Crosse, and to increase its capital stock to \$1,500,000, whenever such extension was decided on. *Act approved Feb. 13, 1852.*

Chap. 123, Laws of 1853, authorizes the city of Watertown to extend aid to the Milwaukee and Watertown Railroad by a loan of its credit in the sum of \$80,000, upon a majority vote of the people in favor of such proposition, and to take security by a bond and mortgage from the company in twice the amount, for the punctual payment of both interest and principal; issues of bonds to be made the company as the building of the road progressed on its way westward from its junction with the Milwaukee and Mississippi Railroad. *Act approved March 25, 1853.*

Chap. 354, Laws of 1853, invests the board of directors of the Milwaukee and Watertown road with all the powers of the said corporation; repeals so much of section 11 of the original charter as prohibits the company from running the road through any garden, orchard or building without obtaining first consent of the owner; and authorizes the directors to consolidate with, purchase or lease any railroad in the state, and to contract with any such road for the purposes mentioned. *Act approved July 6, 1853.*

Chap. 380, Laws of 1853, authorizes the city of Milwaukee to loan its credit to the Milwaukee and Watertown Railroad to an amount not exceeding \$200,000, in the same manner and upon the same terms as it has extended aid to other roads. *Act approved July 12, 1853.*

Chap. 403, Laws of 1853, authorizes certain towns in Dane and Dodge counties to loan their credit to the Milwaukee and Watertown railroad, upon

the same terms generally as other towns were empowered to grant aid. *Act approved July 13, 1853.*

Chap. 407, Laws of 1853, authorizes the Milwaukee and Watertown Railroad to construct a branch road from the village of Columbus, in Columbia county, to Stevens Point, in Portage county, and when said extension was decided upon, to increase its capital to \$2,000,000. All powers, privileges and immunities of the company's charter were extended to the proposed branch line. *Act approved July 13, 1853.*

Chap. 47, Laws of 1854, authorizes the Milwaukee and Watertown Railroad Company to increase its capital stock to such an amount beyond the original sum named in the charter, as it may deem necessary to provide and secure means for the completion and equipment of said road between Milwaukee and Watertown, and to such additional amount as may be necessary to exchange for such securities as have been or may hereafter be made convertible into the capital stock of said company by resolution of the board of directors. *Act approved Feb. 15, 1854.*

Chap. 110, Laws of 1854, amends the first section of the amendatory act of July 13, 1853, and the several acts amendatory thereto, and authorizes the Milwaukee and Watertown Railroad Company to lay out and construct a branch road from the village of Columbus via Montello, Steven's Point and Wausau, thence northerly through the valley of the Wisconsin river, by the most feasible route, to the head waters of the Montreal river, thence to the state line, and down the valley of said river to some practicable point on lake Superior, and to increase the capital stock to such an amount as the directors might esteem expedient to carry out the provisions and objects of the act. Branch roads were required to be constructed in divisions; the avails of all stock liabilities for the construction and equipment of each, to be applied specially to and belong to the same. *Act approved March 8, 1854.*

Chap. 294, Laws of 1854, authorizes the Watertown, and Madison Railroad, at any time after its organization, to consolidate its capital stock with that of the Milwaukee and Watertown Railroad Company, upon terms to be mutually agreed upon; the consolidated company to enjoy all the rights, privileges and immunities of the original companies. *Act approved April 1, 1854.*

Chap. 220, Laws of 1855, authorizes and requires the mayor and common council of the city of Watertown to loan the credit of the city to the extent of \$90,000, of which \$40,000 was subscribed to the Milwaukee and Watertown, and \$50,000 to the Watertown and Madison Railroad Company, with the usual provision as to security for the loan. *Act approved March 23, 1855.*

Chap. 320, Laws of 1856, authorizes the city of Milwaukee to loan its credit to the Milwaukee and Watertown Railroad, to aid its construction between Watertown and the village of Columbus, in the sum of \$35,000, upon the usual condition as to security. *Act approved March 28, 1856.*

Chap. 517, laws of 1856, amends an act to incorporate the La Crosse and Milwaukee Railroad Company, approved April 2, 1852, by authorizing it to consolidate its capital stock with the Milwaukee and Watertown Railroad Company. Upon consolidation, the charters of the two companies were

merged into the consolidated company, with the aggregate capital stock of both combined. *Act approved Oct. 13, 1856.*

Chap. 23, laws of 1861, repeals chapter 90, local laws of 1853, which authorized the county of Columbia to aid in the construction of certain railroads, and also chapter 293, laws of 1853, authorizing certain towns to aid in the construction of the Milwaukee and Watertown Railroad Company. *Act approved March 18, 1861.*

MADISON AND PRAIRIE DU CHIEN RAILROAD COMPANY.

Chap. 149, laws of 1852, "an act to incorporate the Madison and Prairie du Chien Railroad Company," is similar in details to other charters of the same class as to organization, and all powers, rights and duties. *Act approved March 24, 1852.*

Chap. 320, laws of 1853, authorizes a consolidation between the Madison and Prairie du Chien and Milwaukee and Mississippi Railroad Companies, upon terms to be mutually agreed upon, and an aggregate increase of capital stock to \$4,500,000. *Act approved June 25, 1853.*

Chap. 241, Laws of 1864, authorizes the Milwaukee and Prairie du Chien Railway Company to issue stock to aid in adjusting and settling up outstanding farm mortgages, judgments, floating debts, income bonds, and stock of the late Milwaukee and Mississippi Railroad Company. The act names six trustees, and authorizes them, on assignment of mortgage before Dec. 15, 1864, to issue to persons making assignment, the common stock of the company to an equal amount, and to be used for no other purpose. All persons owning or holding any such farm mortgage, judgment, income bond or other claim against said company who failed or neglected to adjust the same with said trustees before December 15, 1864, were barred from any right of action forever against said trustees or their survivors, or the Milwaukee and Prairie du Chien Railway Company. Further provision is made for the discharge of farm mortgages at the request of holders. The act was not to take effect until approved by a majority of each class of stockholders of the Milwaukee and Prairie du Chien Railroad Company. *Act approved March 31, 1864.*

LA CROSSE AND MILWAUKEE RAILROAD COMPANY.

Incorporated by chap. 198, Laws of 1852, with the usual powers, rights, duties and immunities. *Act approved April 2, 1852.*

Chapter 244, laws of 1853, authorizes the city of Milwaukee to loan its credit to the La Crosse and Milwaukee Railroad to an amount not exceeding \$200,000, with the same provision as to security, etc., as in cases of aid given to others roads. *Act approved April 2, 1853.*

Chapter 308, laws of 1853, authorizes Washington county to loan its credit to said company upon the usual terms. *Act approved April 2, 1853.*

Chapter 369, laws of 1853, amends the charter of said company by providing that when arbitrators cannot agree as the value of lands taken for its

use, the judge of the county court may appoint a third person to act with the original commission who shall proceed to make award in the usual way. In case of disagreement the judge of circuit court of the circuit was empowered to appoint a new board. *Act approved July 9, 1853.*

Chapter 880, laws of 1853, authorizes the city of Milwaukee to loan its credit to said company in the sum of \$200,00, upon the same terms as to other railway companies. *Act approved July 12, 1853.*

Chap. 121, laws of 1854, authorizes the La Crosse and Milwaukee Railroad Company to consolidate its capital stock with the Milwaukee, Fond du Lac and Green Bay Railway Company, and the capital stock was limited to the aggregate capital stock of both companies. Provision was made that either company might withdraw from the arrangement on due notice to the other upon certain specified conditions, etc. *Act approved March 9, 1854.*

Chap. 265, laws of 1854, extends the authority of the city of Milwaukee to loan its credit in aid of railroads from \$200,000 to \$300,000—provided that the total aggregate of all issues of bonds to all companies should not exceed \$1,500,000. *Act approved March 31, 1854.*

Chap. 280, laws of 1856, amends the charter of the La Crosse and Milwaukee Railroad Company, by additional provisions for the exercise of the right of eminent domain, mode and manner of settling disputes as to value of lands taken, and to take and hold lands in payment for its stock, etc. Company also empowered to subscribe for and hold stock in any other railroad company in the state, and to purchase or lease any other road that connected with its line. *Act approved March 28, 1856.*

Chap. 169, laws of 1856, approved March 18, authorizes the city of Milwaukee to increase the aggregate limit for which it might loan its credit, to \$2,000,000.

Chapter 122, Laws of 1856, "an act to grant certain lands to the La Crosse and Milwaukee Railroad Company, and to execute the trust created by an act of congress, entitled 'an act granting public lands to the state of Wisconsin, to aid in the construction of railroads in said state,' " approved June 3, 1856.

The act empowers the La Crosse and Milwaukee Railroad Company to construct lines from Madison and Columbus, on the most direct and feasible route, by way of Portage City, to the St. Croix River or lake, between townships twenty-five and thirty-one, and from thence to the west end of lake Superior and to Bayfield, with all the power, rights and franchises of the original company. The lines from Madison and Columbus to Portage City were both required to be completed by the last day of December, 1858, and for estimating the lands, Madison was designated as the point of commencement. In consideration of the agreement, all the lands granted by congress were conferred upon the company upon the line indicated, as well as extraordinary powers for loaning money, and other means for carrying on the work—all of which was to be completed and in operation within a period of ten years from date of the grant. Four per cent. of gross earnings were to be paid into the state treasury in lieu of taxes, to secure which, the state re-

tained a lien upon all the property of the road. Other sections of the act simply extended the power of the company to carry out in good faith the enterprise it had undertaken. *Act approved October 11, 1856.*

Chap. 517, Laws of 1856, authorized the La Crosse and Milwaukee Railroad Company to consolidate its capital stock with the Milwaukee and Watertown Railroad Company, upon terms to be agreed upon; the La Crosse Company to retain its corporate name in the newly consolidated company. All corporate rights, powers and franchises of the Milwaukee and Watertown Company were declared to be merged in the consolidated company whenever the act was consummated. *Act approved October 13, 1856.*

Chap. 29, Laws of 1857, amends the charter of the Milwaukee and La Crosse Company as to the manner of appraising damages for track, depot grounds, etc. *Act approved February 20, 1857.*

Chap. 314, laws of 1857, amends the charter of said railroad, by fixing a new time for holding its annual election of directors, and further, as to the manner of making awards for lands, etc., taken in the construction of the road. *Act Approved March 7, 1857.*

Chap. 121, Laws of 1858, provides in detail new regulations for the election of directors, who are limited to nine persons, with stringent penalties for any violation of the provisions of the act. *Act approved March 30, 1858.*

Chap. 233, laws of 1861, repeals so much of the grant of land made to the La Crosse and Milwaukee Railway Company as it would have been entitled to if built between Madison and Portage City, and confers said lands upon the Sugar River Valley Railroad Company upon certain and specific conditions. *Act approved April 12, 1861.*

Chap. 87, Laws of 1862, amends the charter of the La Crosse and Milwaukee Railroad, by providing that in all proceedings of commissioners to make appraisal of the value of lands taken by the company, it shall be lawful, in making their award, to take into consideration the damages of the party whose land was taken, as well as the value of the land taken; and that on trial of all appeals, recovery might be had for damages as well as the actual value of the land. *Act approved April 7, 1862.*

Chap. 243, Laws of 1863, repeals so much of the grant of land made to the La Crosse and Milwaukee Railroad Company, as lies between Tomah and Lake St. Croix, and confers the same upon the Tomah and Lake St. Croix Railroad Company, which the act charters. *Act approved April 1, 1863.*

Chap. 224, laws of 1864, created a sinking fund in aid of the farm mortgages of the state, by requiring the company or organization who may now or hereafter occupy or operate the railroad, or any part thereof, heretofore built and constructed as one continuous line from Milwaukee to La Crosse, to pay annually to the state treasurer twelve per cent. of the gross earnings of the road, to be applied to the payment of the interest and principal of said mortgages until fully discharged. *Act approved March 30, 1864.*

SOUTHERN WISCONSIN RAILROAD COMPANY.

Chap. 238, laws of 1852, incorporates the Southern Wisconsin Railroad

Company, with authority to construct a road from Milton, in the county of Rock, by way of Janesville, through the counties of Green, La Fayette and Grant, to some point on the Mississippi river to be selected by the corporation, with all the usual rights, powers, privileges, immunities and franchises ordinarily conferred on such companies. *Act approved April 7, 1852.*

Chap. 99, laws of 1853, enlarges the powers of said company to construct its road, and make connections with the Galena and Southern Wisconsin Railroad Company, and with other roads and branches at the state line. *Act approved March 19, 1853.*

Chap. 255, laws of 1853, authorizes the Milwaukee and Mississippi Railroad Company to purchase a portion of the Southern Wisconsin Railroad, and to merge the same in its own incorporation, upon terms to be agreed upon. *Act approved April 2, 1853.*

Chap. 334, laws of 1853, provides that in case of vacancies in the board of directors of the Southern Wisconsin Railroad Company from any cause, reducing the board below the maximum number, any five directors shall constitute a quorum, with authority, among other things, to fill such vacancies. *Act approved July 5, 1853.*

Chap. 265, laws of 1854, authorizes the city of Milwaukee to loan its credit in aid of the Southern Wisconsin Company, in a sum not exceeding \$300,000, upon the same conditions as to other similar companies. *Act approved March 31, 1854.*

Chap. 320, laws of 1854, amends the charter of said company by granting additional powers, and provides by the appointment of commissioners, a mode of settling disputes in case of disagreements, as to the value of property taken, etc. *Act approved April 3, 1854.*

Chap. 61, Laws of 1855, enlarges the power and franchises of said company, authorizes it to sell and convey its property, both real and personal, of any kind or nature whatever, and to release to the Milwaukee and Mississippi Railway Company its equity of redemption in so much of its road as lies between the village of Milton and city of Janesville, in Rock county. *Act approved Feb. 17, 1855.*

MILWAUKEE AND HORICON R. R. CO.

The Milwaukee and Horicon Railroad Company was incorporated by chap. 450, Laws of 1852. Nine commissioners were appointed, and the capital stock limited to \$800,000. After organization and within ten years, the company was authorized to extend its road from Fort Winnebago, or from some eligible point on Fox river to such point on the Mississippi river as might be agreed upon, and in that event to increase the capital stock to \$2,000,000. The franchises granted otherwise are of the usual kind conferred upon railroads. *Act approved April 17, 1852.*

Chap. 303, Laws of 1854, authorizes the county of Waushara, the town of Waushara, and certain towns in Fond du Lac and Marquette counties to loan their credit on the usual terms in such cases, in aid of the Milwaukee and Horicon Railroad Company. *Act approved April 1, 1854.*

Chap. 351, Laws of 1855, authorizes said company to exchange its capital stock for lands or personal property, without limitation as to amount, and to apply the proceeds of the same to the construction of the road. *Act approved April 31, 1855.*

Chap. 445, Laws of 1856, amends the charter of said company, by authorizing certain counties and towns to exchange the land held by them for its capital stock, and thus discharge any mortgage of the company given to secure issues of municipal bonds issued in aid of said road. *Act approved March 31, 1856.*

Chap. 444, Laws of 1856, authorizes said company to purchase or lease any branch railroad or connecting railroad, or parts thereof, and when so purchased or leased such roads are declared as fully under the control of the Milwaukee and Horicon Railroad Company as if originally built under its charter. *Act approved March 31, 1856.*

Chap. 124, Laws of 1857, amends the charter of said railroad company, especially as to the right to enter upon and take land for its use. Any association organized for musical, dramatic or library purposes, were authorized to subscribe to the capital stock of the company in the same manner as other stockholders. *Act approved Feb. 28, 1857.*

Chap. 285, Laws of 1857, authorizes any county through which said railroad shall pass, except the county of Marquette, to issue and deliver its bonds, in such sums and payable at such time and place as might be fixed upon, and at a rate of interest not exceeding ten per cent. per annum, and exchange them for the capital stock of said company: provided, that the amount so issued in any one county should not exceed \$200,000. No such issue to be made, however, until the question was first submitted to a vote of the people, and approved by a majority voting on the subject. *Act approved March 6, 1857.*

Chap. 70, Laws of 1859, repealed the above act.

Chap. 332, laws of 1864, authorizes any company or organization by whatever name known, using, controlling or operating the Milwaukee and Horicon railroad between Horicon and Berlin, to create a sinking fund of 12 per cent. of the gross earnings, to be paid to the state treasurer, and held in trust for the payment of municipal bonds and farm mortgages due from said company, on presentation at the treasury department. A pro rata apportionment of such fund was required to be annually made until such obligations were fully paid. In case any such company or organization failed to pay over such sinking fund for the space of thirty days after the first day of January in any year, it was made the duty of the governor to appoint a receiver, who, upon filing a bond, was authorized to take possession of such road with all its equipments and buildings, etc., and out of the earnings make the contribution to such sinking fund. *Act approved April 2, 1864.*

WATERTOWN AND MADISON RAILROAD COMPANY.

The Watertown and Madison Railroad was incorporated by chap. 78, laws

of 1853, with all the usual powers, rights and franchises of such corporations. The capital stock was fixed at \$800,000. The route of the road was from the village of Watertown in Jefferson county, to the village of Madison in Dane county, and the company was authorized to connect with any branch road with which it might come in contact. *Act approved March 17, 1853.*

Chap. 294, laws of 1854, authorizes said company to consolidate its road with that of the Milwaukee and Watertown Railroad Company, upon terms to be mutually agreed upon, and when so consolidated, all the rights, privileges and franchises conferred by the respective charters of both companies should merge into the consolidated company. *Act approved April 1, 1854.*

Chapter 220, laws of 1855, authorizes the city of Watertown to loan its credit to said consolidated company to an amount not exceeding \$90,000, upon the usual security in such cases. *Act approved March 23, 1855.*

Chapter 112, laws of 1856, extends the time for the commencement of the construction of said railroad to the 17th day of March 1857. *Act approved March 7, 1856.*

Chapter 127, laws of 1856, section 5, authorizes the city of Watertown to subscribe to the capital stock of said company to an aggregate amount not exceeding \$200,000. *Act approved March 12, 1856.*

Chapter 141, laws of 1856, authorizes towns upon the line of the road westward from Watertown, in the counties of Jefferson and Dane, to subscribe to the capital stock of the road a gross sum not exceeding \$220,000. *Act approved March 15, 1859.*

MILWAUKEE, FOND DU LAC AND GREEN BAY RAILROAD COMPANY.

The Milwaukee, Fond du Lac and Green Bay Railroad Company was incorporated by Chapter 242, Laws of 1853, with all the usual rights, immunities and franchises conferred upon such corporations. The capital stock was limited to \$2,000,000. *Act approved April 2, 1853.*

Chap. 308, Laws of 1853, authorized the county of Washington to loan its credit to said company in the sum of \$100,000, upon its giving a bond of indemnity in the usual form for twice the amount received, conditioned to indemnify the county from loss, etc. *Act approved April 2, 1853.*

Chap. 321, Laws of 1853, authorizes the Milwaukee and Fond du Lac, and Milwaukee, Fond du Lac and Green Bay Companies to consolidate their capital stock, upon terms to be mutually agreed upon.

Sec. 4, authorizes the city of Milwaukee to loan its credit to said consolidated company on the usual terms, in a sum not exceeding \$200,000. *Act approved June 27, 1853.*

Chap. 121, Laws of 1854, authorizes the La Crosse and Milwaukee Railroad Company to consolidate its capital stock with the Milwaukee, Fond du Lac and Green Bay Railroad Company, upon terms to be mutually agreed upon; the consolidated company to continue under the name of the La Crosse and Milwaukee Company, etc. *Act approved March 9, 1854.*

Chap. 152, Laws of 1854, authorizes the city of Fond du Lac to loan its credit in aid of said railroad company to an amount not exceeding \$200,000, upon the usual terms and conditions common to such cases. *Act approved March 16, 1854.*

Chap. 280, Laws of 1856, amends the charter of the Milwaukee, Fond du Lac and Green Bay Railroad Company, united by consolidation with the La Crosse and Milwaukee Railroad Company, by striking out "West Bend." as a point on its route, and inserting "Schleisingerville" in place thereof. *Act approved March 28, 1856.*

MILWAUKEE AND WESTERN R. R. CO.

Chap. 320, Laws of 1855, incorporates the Madison, Fond du Lac and Michigan Railroad Company, with the usual rights, powers, immunities and franchises. Capital stock unlimited. The charter differs in no material respect from other acts of incorporation granted to other roads. *Act approved March 31, 1855.*

Chap. 510, Laws of 1856, amends the charter of said company by striking out the words "sixth judicial circuit" wherever they occur, and inserting "ninth judicial circuit, or any justice of the supreme court." *Act approved October 13, 1856.*

Chap. 236, Laws of 1858, changes the name of the Madison, Fond du Lac and Michigan Railroad Company to the Milwaukee, Watertown and Baraboo Valley Railroad Company. *Act approved May 13, 1858.*

Chap. 75, Laws of 1860, authorizes said railroad company to change and re-locate its line from the city of Watertown to the village of Columbus, and in lieu of it, to adopt a line from the city of Watertown, by way of Portland, to Columbus, and to that end to take up and remove the track already laid. Said change not to affect or in any wise impair any mortgages already given to the Milwaukee and Watertown Railroad Company during its existence. The Milwaukee, Watertown and Baraboo Valley Company was further authorized to extend its line of road from Columbus to Portage City, and increased powers were given for securing right of way, settlement of damages, etc. *Act approved March 31, 1860.*

Chap. 21, Laws of 1861, changes the corporate name of said company from the Milwaukee, Watertown and Baraboo Valley Railroad Company to the Milwaukee and Watertown Railroad Company. *Act approved March 16, 1861.*

MILWAUKEE AND PRAIRIE DU CHIEN RAILROAD COMPANY.

Articles of association, after sale of Milwaukee and Mississippi Railroad by U. S. Marshal, were filed in office of Secretary of State, January 18, 1861; Vol. 1, page 534. The company was re-organized with the name of Milwaukee and Prairie du Chien Railroad Company, under the provisions of Chap. 308, General Laws of 1860.

U. S. Marshal deeded all the rights, interests, property and franchises of

the Milwaukee and Mississippi Railroad Company to Lewis H. Meyer *et al.*, January 21, 1861. Vol. 1, page 546, record book in office of Secretary of State.

Lewis H. Meyer *et al.* convey the road to the Milwaukee and Prairie du Chien Company, January 21, 1861. Vol. 1, page 556, record book in Secretary's office.

Chap. 80, Laws of 1863, amends the articles of association by fixing the annual meetings of stockholders for the election of directors of said company in the month of June in each year; requiring the annual report of the company's business, acts and doings to be sent to each stockholder on the first day of February in each year; and requiring an approval by the stockholders, or a majority of them, at any general or special meeting, of these alterations of their articles of association, to be certified by the chairman or secretary, and filed with the Secretary of State, and "thereupon so much of the articles of association of the Milwaukee and Prairie du Chien Railway Company as is not in accordance herewith, shall be repealed, and stand null and void." *Act approved March 19, 1863.*

Chap. 191, laws of 1864, grants to and confirms the right of ferriage on said company across the Mississippi river, at or near the point where said road reaches the same. *Act approved March 23, 1864.*

Chap. 207, laws of 1864, amends the articles of association of said company, by authorizing it to lease or purchase a railroad from Monroe in Green county to the Mississippi river, opposite to and through the city of Dubuque, in the state of Iowa: to lease, purchase or build a bridge from any point in either Grant or Crawford counties, across the Mississippi river, and maintain the same: and to lease or purchase any railroad in the state of Iowa, having its or their termini on the Mississippi river opposite any terminus of the Milwaukee and Prairie du Chien Railway Company, etc. *Act approved March 26, 1864.*

Chap. 241, laws of 1864, authorizes the Milwaukee and Prairie du Chien Railway Company to issue stock to aid in adjusting and settling up outstanding farm mortgages, judgments, floating debts, income bonds and common stock of the late Milwaukee and Mississippi Railroad Company. *Act approved March 31, 1864.*

Chap. 91, Laws of 1866, authorizes said company to extend any line of railroad it may now or hereafter own or control, by virtue of purchase or lease in the state of Iowa, into and through the state of Minnesota, and to connect or consolidate its corporate stock with any such road or roads in such manner as might be mutually agreed upon, subject, however, to the laws of the state of Minnesota, and the approval of a majority of each class of stockholders. *Act approved March 10, 1866.*

Chap. 107, Laws of 1866, authorizes said railway company to mortgage its property and franchises to secure prompt and regular payments to its preferred stockholders, etc. *Act approved March 14, 1866.*

Chap. 431, Laws of 1867, authorizes the Milwaukee and St. Paul Railway Company to own stock or bonds in the Milwaukee and Prairie du Chien Railway Company. *Act approved April 9, 1867.*

Chap. 433, Laws of 1867, prohibits any consolidation of property, or the lease or purchase by the Milwaukee and St. Paul or Milwaukee and Prairie du Chien Railway Company, of any interest or stock in the Chicago and Northwestern Railway Company. Said companies are also prohibited from in any manner, holding any stock in the Northwestern road; which is also prohibited from owning or holding stock in either of said Milwaukee roads, etc. *Act approved April 9, 1867.*

Chapter 435, laws of 1867, to facilitate the construction of a railroad from Monroe to Dubuque, authorises the Milwaukee and Prairie du Chien Company to retire its bonds and preferred stocks, upon terms satisfactory to stockholders, and to provide a sinking fund, and issue bonds for that purpose, etc. *Act approved April 9, 1867.*

Chapter 65, laws of 1868, authorizes and confirms the purchase by the Milwaukee and St. Paul railway of the railway property, rights and franchises of the Milwaukee and Prairie du Chien railway company and provides for making effectual the securities and instruments connected therewith. *Act approved February 15, 1868.*

MILWAUKEE AND MINNESOTA RAILWAY COMPANY.

Articles of association after the sale of the La Crosse and Milwaukee railroad were filed in the office of the secretary of state organizing the Milwaukee and Minnesota Railway Company, May 21, 1859, under the provisions of chapter 308, general laws of 1860. Recorded in Vol. 1, of mortgages, page 404.

Chapter 28, laws of 1862, provides that the regular annual meeting of the stockholders of said railroad company for the election of directors, shall be held on the last Monday of May in each year, and prescribes the manner and form of holding such election, and numbers of directors to be elected, etc. *Act approved March 6, 1862.*

MILWAUKEE AND ST. PAUL RAILROAD COMPANY.

Articles of association filed in office of Secretary of State May 5, 1863. Recorded in Vol. 2 of mortgages, page 80.

Chap. 358, Laws of 1864, amends the articles of association of said company by authorizing the issue of classes of preferred and special stock, and to appropriate the net earnings of the road to payment of dividends on the same, upon terms to be mutually agreed upon, etc. *Act approved April 2, 1864.*

Chap. 419, Laws of 1865, ratifies and confirms the articles of association filed by said company, and declares it a corporation vested with all the rights, powers, privileges and franchises which were held by the Milwaukee and Western Railroad Company, the Milwaukee and Horicon Railroad Company and all that part of the La Crosse and Milwaukee Railroad Company pertaining to its road lying west of Portage city. *Act approved April, 10, 1865.*

Chap. 272, Laws of 1866, authorizes said company to extend its road from

the point known as Horicon Junction, in the county of Dodge, via Hustisford, to such point on its main line, near the village of Oconomowoc, as it might select. *Act approved April 4, 1866.*

Chap. 338, Laws of 1866, authorizes the city of Madison to aid in the construction of so much of said road as lies between the village of Sun Prairie and the city of Madison, to an amount not exceeding \$25,000, for the collection of which the common council were authorized to levy a tax on the property of citizens, etc. *Act approved April 6, 1866.*

Chap. 185, Laws of 1867, authorizes said company to endorse the bonds of the La Crosse, Trempealeau and Prescott Railroad Company, guaranteeing the payment of the same, either jointly or severally, with the Winona and St. Peters Railway Company, to an amount not exceeding in the aggregate \$1,000,000. *Act approved March, 26, 1867.*

Chap. 430, laws of 1867, amends the articles of association of the Milwaukee and St. Paul Railway Company, by authorizing the directors to increase the capital stock of said company to an amount, at par, equal to the cost of constructing their line of road from Columbus to Portage City; from Brookfield Junction to Milwaukee; and the cost of depot grounds, elevators, wharves and docks at Milwaukee, and rolling stock purchased and built by said company, not exceeding ten thousand shares in all. Said company was further authorized to consolidate, join stocks, purchase or lease with any railroad or railway company in the states of Minnesota and Iowa, and generally exercise all its rights and franchises in either or both of the above named states, provided that the said company should not consolidate with any other railroad in this state. *Act approved April 9, 1867.*

Chap. 431, laws of 1867, authorizes said company to own stock in the Milwaukee and Prairie du Chien Railway Company. *Act approved April 9, 1867.*

Chap. 433, Laws of 1867, prohibits said company from purchasing, leasing, owning or operating any portion of the Chicago and Northwestern Railroad, owning its stock or bonds, or in any way consolidating with said company; and the Northwestern Company is also prohibited from consolidating in any form with the Milwaukee and St. Paul Company. *Act approved April 9, 1867.*

Chap. 65, Laws of 1868, authorizes and confirms the purchase by the Milwaukee and St. Paul Railway of the property, rights and franchises of the Milwaukee and Prairie du Chien Railway Company. *Act approved Feb. 15, 1868.* See Vol. 2, of mortgages in Secretary of State's office, for record of sale of the Milwaukee and Prairie du Chien R. R. Co.

Chap. 183, Laws of 1869, authorizes the county of La Fayette, and several of the towns therein, and any towns in the county of Green to loan their credit in aid of the Milwaukee and St. Paul Railway Company, upon certain conditions therein named, in a gross sum not exceeding in all the sum of \$200,000. *Act approved March 4, 1869.*

Chap. 233, Laws of 1869, authorizes said Milwaukee and St. Paul Company to extend its track within the corporate limits of the city of La Crosse,

and to acquire such depot grounds as might be necessary for the transaction of its business. *Act approved March 5, 1869.*

Chap. 268, Laws of 1869, extends the time, and authorizes said company to complete the railroad from Sun Prairie to its depot in Madison, and legalizes the proceedings already taken to complete the same. *Act approved March 6, 1869.*

Chap. 269, Laws 1869, authorizes said company to connect the track of the northern division of its railway with its other divisions in the county of Milwaukee. *Act approved March 6, 1869.*

Chap. 335, Laws of 1869, amends the articles of Association of said company so as to elect one-third of the directors each year for three years, and authorizes the bondholders to vote for the election of directors. *Act approved March 9, 1869.*

Chap. 380, Laws of 1869, authorizes the common council of the city of Madison to levy a tax of \$20,000 upon the taxable property of citizens, in aid of the Milwaukee and St. Paul Railroad Company, from Sun Prairie to Madison. *Act approved March 10, 1869.*

Chap. 226, Laws of 1870, authorizes the Milwaukee and St. Paul Railroad Company to own stock in, or consolidate with, the Western Union Railroad Company, and to increase the capital stock of said company to an amount equal to the capital stock and mortgage debt of said Western Union Railroad Company. *Act approved March 9, 1870.*

Chap. 176, Laws of 1873, grants to the Milwaukee and St. Paul Railroad Company all the right, title and interest which the state of Wisconsin now has, or may hereafter acquire in or to the lands granted to said state by two certain acts of congress, one of June 3, 1856, entitled "an act granting public lands to the state of Wisconsin to aid in the construction of railroads in that state," and the other approved May 5, 1864, entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," so far as said lands are granted to aid in the construction of a railroad from St. Croix river or lake to the west end of Lake Superior, and to Bayfield, upon condition that said company accepted the grant and completed the road between Lakes St. Croix and Superior, within a certain time therein named, etc. *Act approved March 17, 1873.*

WISCONSIN UNION R. R. CO.

The Wisconsin Union Railroad Company was incorporated by chap. 462, laws of 1866, with all the powers, rights, privileges and franchises usual to other railroad incorporations. Capital stock limited to \$2,000,000. The line authorized was from any point on the line of the Milwaukee and Prairie du Chien line in the counties of either Rock or Walworth, to any point or place on the south boundary line of this state, as might be deemed advantageous to said company. *Act approved April 11, 1866.*

Chap. 11, Laws of 1871, amends said act of incorporation by striking out the words "Prairie du Chien Railroad," wherever they occur, and inserting "St. Paul Railway" in lieu thereof. *Act approved Jan. 31, 1871.*

Chap. 226, Laws of 1870, authorizes the said company to consolidate its capital stock with the Milwaukee and St. Paul Railroad Company, on terms to be mutually agreed upon. *Act approved March 9, 1870.*

Deed Dec. 12, 1872. Wisconsin Union Railroad Company to the Milwaukee and St. Paul Railway Company; \$100,000 "purchase money;" bonds at their par value, and 10,000 shares of the scrip preferred stock, and 5,000 shares of common stock of the Milwaukee and St. Paul Railway Company.

WISCONSIN CENTRAL R. R. CO.

The Wisconsin Central Railroad Company was incorporated by chap. 62 laws of 1853, with all the usual powers, rights, privileges and franchises pertaining to such corporations. The capital stock was limited to \$1,000,000. If road not commenced within three years and completed in ten, the charter was declared null and void.

The route of the road as incorporated, was from Portage City by way of the village of Columbus in Columbia county, and the village of Whitewater in Walworth county, to the village of Genoa in said county, on such line as the directors should determine; and they were authorized to connect with any other road with which theirs might come in contact. *Act approved March 4, 1853.*

Chap. 137, laws of 1858, changes the time of holding the annual election of directors of said company from the fourth Monday to the second Tuesday of December in each year. *Act approved March, 31, 1858.*

Chapter 84, laws of 1863, extends the time for the expiration of the charter of the Wisconsin Central Railroad, for and during the term of five years from and after the third day of March, 1863: provided, that said road should be completed from the state line to the village of Jefferson by January 1st, 1865; and provided further, that towns issuing bonds in aid of such road should not be deprived of any defense they might interpose in consequence of such extension. *Act approved March 20, 1863.* See also, chapter 429, laws of 1865.

Chapter 205, laws of 1864, extends the time for the completion of said road from five years on and after the third day of March, 1863, to six years after said date; and that the road shall be completed from the state line to Jefferson by the 1st day of January, 1866. *Act approved March 25, 1864.*

Chapter 451, laws of 1866, amends the charter of said company by requiring it to locate and maintain its road through the town of Waterloo and village of Tyrrahena, in Jefferson county. *Act Approved April 11, 1866.*

Chapter 160, laws of 1869, repeals chapter 62 of the private and local laws of 1853, incorporating the Wisconsin Central Railroad Company and all acts amendatory thereto, and incorporates the Wisconsin Northern Railroad company.

CHICAGO AND SUPERIOR R. R. CO.

MADISON AND PORTAGE.

Chap. 299, P. Laws of 1855, approved March 29.

Incorporation of Sugar River Valley Railroad Company. Route to be from a point on the north side of the line of the Southern Wisconsin Railroad, on the Milwaukee and Mississippi Railroad as extended westerly from Janesville to the Mississippi river, (said point to be within the limits of Green County), thence up the valley of the Sugar River Valley to Albany, in the county of Green, thence by way of Attica and Dayton: Authorized to borrow any sum or sums of money, at any rate of interest, any law on the subject of usury to the contrary notwithstanding. Act to be void if ten miles of road are not in actual operation within five years.

Chap. 16, P. Laws of 1857, approved Feb. 11.

Sugar River Valley R. R. Co., may also run southerly to such point on the line dividing the state of Illinois and Wisconsin. *Provided*, such point shall not be east of the line dividing the county of Green from county of Rock, nor west of the west line of the town of Spring Grove, in said county of Green. Northern terminus to be *Madison*.

Chap. 38, P. Laws of 1858, approved Feb. 27.

Time to construct extended from five to eight years.

Chap. 47, P. Laws of 1860, approved March 23.

Fixes the point of commencing the road so far as that it shall not be east of the line dividing ranges twelve and thirteen.

Chap. 233, P. Laws of 1861, approved April 12.

Sugar River Valley Railroad Company authorized to construct railroad from Madison to the city of Portage, and from Columbus to the city of Portage; both roads to be completed by 31st December, 1863, Madison being designated as the point of commencement for the purpose of estimating and selecting lands granted by congress to aid such roads, by act of June 8, 1856. And so much of the grant conferred by that act as can be made applicable to those roads, is set over to the Sugar River Valley Company: *provided*, that for the purpose of aiding in the construction of said road from Madison to Portage City, the company shall not encumber any of the lands to which it may be entitled on the completion of the first twenty miles of road. This act and the grant to be void unless accepted within twenty days; \$50,000 to be expended within one year.

Acceptance filed with Secretary of State April 26, 1861.

Chap. 262, P. Laws of 1866, approved March 31.

Authorizes towns, cities and villages on the line of the Sugar Valley Railroad to aid in its construction.

Chap. 542, P. Laws of 1866, approved April 10.

Extends the time for completing the road until Dec. 31, 1869, and relieves

the company from the requirement of constructing a railroad from Columbus to Portage City.

Chap. 474, P. Laws of 1867, approved April 12.

Provides that money collected from towns, cities and villages to aid in constructing the railroad shall not be paid over until the authorities thereof shall be satisfied that the road will be completed.

Chap. 278, P. Laws of 1870, approved March 12.

The act approved March 29, 1855, and the acts amendatory thereof are revived and continued in full force as relating to that portion of the road from the state line to Madison. Road to run to Dayton, Green county, by or near Belleville, Paoli and Badger Mills, to the city of Madison,

Certain towns authorized to subscribe for stock and pay for the same in bonds bearing ten per cent. interest.

Chap. 188, P. Laws of 1871, approved March 3.

Amends chap. 278 of Laws of 1870, and provides for vote of the people being taken upon aiding the company. And also that city and town bonds issued for such purpose shall not be valid until the railroad is actually built.

Chap. 117, P. Laws of 1870, approved Feb. 25.

Incorporates the purchasers of that part of the Sugar River Valley Railroad lying between Madison and Portage City by the name of the "Madison and Portage Railroad Company," and may share all the rights, grants, etc., that were conferred upon the Sugar River Valley R. R. Co., by the charter thereof, and the several amendments thereto, so far as they relate to that portion of the line mentioned.

Chap. 507, P. Laws of 1870, approved March 17.

Authorizes the Madison and Portage Railroad Company to build pontoons and own steamboats.

Sugar River Valley R. R. Co., deed of conveyance of August, 1870, to Madison and Portage R. R. Co. Filed with Secretary of State, October 29, 1870.

Chap. 81, P. Laws of 1871, approved Feb. 18.

Legalizes the proceedings of certain towns in aiding the construction of a railroad from Madison to Portage, whereby they became subscribers to the capital stock of the Madison and Portage Railroad Company as follows: city of Portage, \$15,000; town of Dekorra, \$8,000; Arlington, \$12,000; Leeds, \$4,000; Vienna, \$4,000; Windsor, \$6,000. Also authorizes any town or village in the counties of Columbia or Dane to grant such aid as per chap. 449, laws of 1868, not exceeding \$10,000 each.

Chap. 268, P. Laws of 1871, approved March 11,

Authorizes city of Madison to take \$25,000 stock in the Madison and Portage Railroad Company.

Chap. 479, P. Laws of 1871, approved March 24.

The Madison and Portage Railroad Company authorized to extend their road from Madison to the south boundary of the state, and from Portage City northeasterly to lake Winnebago on the lower or upper Fox river, and to

alter, change, re-locate, construct, reconstruct, etc. Certified copies of resolutions definitely fixing the location, to be filed with the Secretary of State, Sections one to seven inclusive, of chapter seventy-nine of the revised statutes, entitled "of railroads," which were repealed in 1864, so far as they would, if in force, have related to the Madison and Portage Railroad Company, are revived. The company is also authorized to acquire by purchase, all that portion of the line of road of the Wisconsin Central Railroad Company which lies between Portage City and Ripon, and of all the lands granted by congress to aid in the construction of railroads on the line of said company which appertain to the portion aforesaid, and all, etc.; and the Wisconsin Central Railroad Company is authorized to sell and convey the same to the Madison and Portage Railroad Company.

Chap. 506 P. Laws of 1870, approved March 17.

Incorporation of the "Portage, Friendship, Grand Rapids and Stevens Point Railroad Company," subsequently consolidated with the Madison and Portage Railroad Company. Route from Portage, via Friendship and Grand Rapids, to Stevens Point, or some other point in Portage, Wood or Marathon county. Capital stock two millions, but may be increased to ten millions. On loans by towns and cities, interest shall be attached as a state tax, by special provision in this act, and such town shall receive its proportion of the tax or license fee upon said railroad, it being in such case six per cent. All property taken by the company is declared to be taken for public use as soon as taken.

Consolidation of Madison and Portage Railroad Company with the Rockford Central Railroad Company, to be known as the "Chicago and Superior Railroad Company," dated Dec. 6, 1871, and filed with the Secretary of State June 19, 1873. (See Appendix.)

Mortgage, 1st Jan., 1872. Chicago and Superior Railroad to Hiram Barney, trustee, for \$5,000,000 in gold bonds of \$1,000 each, with 7 per cent. semi-annual interest.

Acknowledged 4th Jan., 1872, and 12th April, 1873, and filed with the Secretary of State, June 19, 1873.

Modification of the articles of consolidation dated 3d January, 1872, and filed with the Secretary of State June 19, 1872. (See Appendix.)

OSHKOSH AND MISSISSIPPI RAILROAD COMPANY.

The Oshkosh and Mississippi Railroad Company was incorporated by chap. 232, laws of 1866, with all the usual powers, rights and franchises of such corporations. Capital stock unlimited. The route of the road was defined to be "from the city of Oshkosh to any point on the Mississippi river, or on the state line between the states of Wisconsin and Illinois, in the county of Grant, and also from said city of Oshkosh in a northerly direction to the

state line between the states of Wisconsin and Michigan." *Act approved March 30, 1866.*

Chap. 326, laws of 1866, authorizes towns upon its line, whenever the directors of said company shall determine upon the proximate route of their road, or any part thereof, upon filing with the clerks of such town or village a certificate of such determination, to appropriate from the general fund of such town, village or city, such reasonable sum as the authorities may deem proper, sufficient to defray the expense of such preliminary location and survey, and to raise money to pay said appropriation. *Act approved April 6, 1866.*

Chap. 547, laws of 1866, authorizes the several counties, towns, villages and cities upon or contiguous to the line of said road, to aid in the construction of the same by subscribing to the capital stock to such an amount as is mutually agreed, and to issue bonds, and collect taxes to pay the principal and interest on the same, in substantially the same manner as in other enactments of the same class in case of other railroads. *Act approved April 14, 1866.*

Chap. 851, laws of 1867, gives construction to chapter 547, laws of 1866, by providing that no county shall levy any special tax in aid of the construction of said Oshkosh and Mississippi Railroad, until the proposition has been acted upon at a special election called for that purpose. The supervisors of any county are required to order an election when the line of said road is located through any such county, and the president and secretary certify to such location under the hand and seal of said company. *Act approved April 6, 1867.*

Leased to Chicago, Milwaukee and St. Paul.

WESTERN UNION R. R. CO.

The Racine, Janesville and Mississippi Railroad Company was incorporated by chap. 392, Laws of 1852, with all the powers, rights and franchises common to railroad corporations. The route of the road was defined to be from the city of Racine, via the village of Janesville, and through the counties of Rock, Green, La Fayette and Grant, to the Mississippi river. Capital stock fixed at \$3,000,000. *Act approved April 17, 1854.*

Chap. 96, Laws of 1853, authorizes said company to construct their road in divisions, and to make the stock of the several divisions separate and independent stocks. *Act approved March 19, 1853.*

Chap. 289, Laws of 1853, authorizes the several boards of supervisors of the town of Racine, and of the towns of Elkhorn and Delevan, in Walworth county, to subscribe to the capital stock of said company, an aggregate sum of \$70,000, upon the usual conditions and limitations in such cases provided. *Act approved April 2, 1853.*

Chap. 324, Laws of 1853, amends the charter of said company by authorizing it to build a branch from its main line at any point west of Fox river to

Beloit; to connect with any other railroad; and to consolidate its capital stock with any other company with whom it should connect, on terms to be mutually agreed upon. *Act approved June 27, 1858.*

Chap. 867, Laws of 1858, authorizes said company to connect at Beloit with any road or branch road chartered by the state of Illinois, with authority to lease or consolidate its capital stock with any such company. *Act approved July 9, 1858.*

Chap. 16, Laws of 1854, enlarges the powers of the company to enter upon and take lands for right of way and for other purposes, etc. *Act approved January 30, 1854.*

Chap. 109, Laws of 1854, authorizes the towns of Hudson, Lafayette, Sugar Creek, Darien and Sharon, in the county of Walworth, and the towns of Clinton, Turtle and Bradford, in the county of Rock, to subscribe to the capital stock of said company, upon the usual conditions in such cases, an aggregate sum of \$150,000. *Act approved March 2, 1855.*

Chapter 357, laws of 1855, changes the name of said company to "Racine and Mississippi Railroad Company." *Act approved March 31, 1855.*

Chapter 66, laws of 1856, amends the charter of said company by prohibiting it to interfere with or hinder the construction of the Milwaukee and Mississippi Railroad Company from Janesville to the Mississippi river, and by authorizing the construction of a branch line from any point west of Fox river to Beloit. *Act approved February 29, 1856.*

Chapter 543, laws of 1856, authorizes the company, under the name of Racine and Mississippi Railroad, to extend its track and make side tracks on either or both sides of Root River, to the waters of Lake Michigan in the city of Racine. *Act approved October 13, 1856.*

Chapter 162, laws of 1858, authorizes the city of Racine to guarantee the indebtedness of said company in the sum of \$50,000, and to subscribe for \$50,000 of its capital stock on the terms usual in such cases. *Act Approved April 28, 1858.*

Chapter 205, laws of 1863, to facilitate and authenticate the promotion of a corporation by the purchaser or future owners of the Racine and Mississippi Railroad Company, upon sale of said road upon mortgage, vests all the franchises of said company in the new one to be formed, and enlarges its powers to consolidate with other roads, mortgage, borrow money, etc. *Act approved April 1, 1863.* [See Report of Secretary of State, May 31, 1865.]

Chap. 436, Laws of 1866, confirms and ratifies the formation of the Western Union Railway Company of Wisconsin, effected under and by virtue of chap. 205, Laws of 1863, and also confirms the acts and agreements of consolidation heretofore entered into between the Western Union Railroad Company of Wisconsin and the Western Union Railroad Company of Illinois, and all acts, agreements and proceedings in relation thereto; and also authorizes said consolidated company to enter into and conduct by water, in connection with its road, a general transportation and carrying business from the city of Racine, or such other point or points as said company should thereafter decide upon. *Act approved April 11, 1866.*

Chap. 78, Laws of 1867, authorizes the common council of the city of Racine to vacate a part of Washington and Chatham streets, and to grant to the Western Union Railroad Company the right and authority to construct and maintain for its use, such railway tracks, switches and other works, along said streets and others therein named, as were necessary to the operation of said railroad. *Act approved March 2, 1867.*

Chap. 83, Laws of 1867, authorizes said company to construct and maintain a railroad bridge across Root river at any point within the limits of the city of Racine, upon the usual conditions as to a draw, etc. *Act approved March 2, 1867.*

Chap. 431, Laws of 1867, amends chap. 83, Laws of 1867, by requiring the railroad bridge therein authorized to be so constructed as to permit the free and safe passage, by foot, of persons over and across the same. *Act approved April 9, 1867.*

Chap. 121, Laws of 1870, authorizes said company to construct, operate and maintain a branch railroad from at or near Elkhorn, to a point on the Milwaukee and Mississippi Railway, at or near Eagle. Also, to build, purchase, lease or consolidate with any railroad company in the states of Illinois, Iowa, Missouri, Nebraska and Kansas, and for this purpose to increase its capital stock to a sum not exceeding \$40,000 per mile for each mile of railroad built or acquired: provided, that said company was not permitted to consolidate with the Chicago and Northwestern Railway Company. *Act approved Feb. 25, 1870.*

Chap. 12, Laws of 1871, authorizes said company to guarantee payment of the principal and interest of the bonds issued by the Sabula, Ackley and Dakota Railroad Company; and also to any other connecting road in this state or elsewhere, to endorse for or guarantee payment of principal and interest on any bonds or other evidence of debt to an amount not exceeding \$20,000 per mile of any such extension or connecting road, tributary to the Western Union Railroad Company. *Act approved Jan. 31, 1871.*

MILWAUKEE AND NORTHERN R. R. CO.

The Milwaukee and Northern Railroad Company was incorporated by chap. 94, laws of 1870. The route located by the act was from the city of Milwaukee to some point on Fox river below Lake Winnebago, and from thence to Lake Superior, together with such other branch or branches from any point or points on the main line between the city of Milwaukee and Fox river or Lake Michigan, as the board of directors might deem expedient. Capital stock fixed at \$3,000,000. *Act approved February 24, 1870.*

Chap. 455, laws of 1871, enlarges the chartered powers of said company, and authorizes the company to locate their road, in addition to other points named in the charter, to any point on Wolf river it may select. *Act approved March 24, 1871.*

Chap. 284, laws of 1873 amended the charter of said company by authorizing it to connect with any company now or hereafter existing under the laws of the state of Michigan, whose roads shall connect with that of the company hereby created, at the state line of said state of Michigan. *Act approved March 19, 1873.*

Chap. 227, laws of 1873, amends chapter 76 of the general laws of 1871, entitled an act to amend chapter 25 of the general laws of 1870, entitled an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway by enlarging the powers and duties of boards of supervisors, in the premises, and provides more specific regulations as to the manner and form of holding special elections for voting upon the subject, and for other purposes. *Act approved March 18, 1873.*

WEST WISCONSIN RAILWAY.

SYNOPSIS OF IMPORTANT LEGISLATION.

TOMAH AND ST CROIX RAILROAD COMPANY.

Chap. 243, P. Laws of 1863, approved April 1.

Act of incorporation. Capital stock, \$4,000,000. Shares \$50 each. Route to be from Tomah by way of Black River Falls to Lake St. Croix between townships twenty-five and thirty-one. May borrow any sum of money * * for any rate of interest. May issue bonds, but not to exceed the amount of capital stock. The land grant of June 3, 1856, to apply, but the lands not to encumbered. The road to be completed by June 3, 1866.

Chap. 258, G. Laws of 1864, approved March 31.

To authorize counties to aid in right of way, by purchase, 100 feet wide; county to pay in orders, deed to be to railroad company.

Chap. 307, G. Laws of 1864, approved April 1.

Counties of St. Croix, Dunn, Chippewa, Pierce, Eau Claire, Buffalo, Clark, Trempealeau, Jackson, Pepin and Monroe, to vote on extending aid to the amount of \$50,000 for each county, payable 30 years after date, with seven per cent. interest payable semi-annually in the city of New York. The bonds or proceeds of them to be expended in the county which issued them, in grading and ties.

Chap. 324 G. Laws of 1864, approved April 2.

Lands to be exempt for ten years from the passage of this act unless sold, contracted or leased.

Chap. 371 P. Laws of 1864, approved April 2.

Authorized to hold meetings out of the state.

Chap. 421, P. Laws of 1864, approved April 4.

Amending sec. 2 of chap. 243, by authorizing an increase of capital stock to \$8,000,000.

Chap. 282 G. Laws of 1865, approved March 29.

Confers upon the Tomah and St. Croix Railroad Company all the rights of the state of Wisconsin by acts of congress of June 8, 1856, and May 5, 1864.

The additional lands so acquired to be subject only to the same mode, extent and rules of taxation as provided by the act of April 2, 1864.

Chap. 279 G. Laws of 1865, approved April 1.

The special town meetings held in the several towns of St. Croix county on June 22, 1864, and the canvass of votes given, for the purpose of aiding in the construction of the Tomah and St. Croix Railroad, * * declared to be legal in all respects as if the laws had been complied with. And the board of Supervisors of St. Croix county are authorized to issue bonds to the amount of twenty-five thousand dollars for the purpose of aiding in the construction of said railroad.

Chap. 310, P. Laws of 1866, approved April 6.

Towns of Hudson, Hammond, Warren and Springfield, in the county of St. Croix, authorized to make provision to pay for right of way, for the Tomah and Lake St. Croix Railroad. Election to be held for the purpose.

Chap. 285, P. Laws of 1866, approved April 5.

All the acts and proceedings in the organization of the Tomah and Lake St. Croix Railroad Company declared legal and valid. Directors authorized to change name to West Wisconsin Railway Company.

Chap. 323, P. Laws of 1866, approved April 2.

Amends chap. 243, Laws of 1863, and thereby authorizes the company to encumber the land grant, and releases it from the obligation to complete the road by June 8, 1866.

Chap. 312, P. Laws of 1867, approved April 1.

Chap. 243 of Laws of 1863, amended. Capital stock to be four million dollars; shares \$100 each. Also authorized to issue a preferred or guaranteed stock, not exceeding in amount one million dollars, which shall be entitled to such dividends and other privileges, etc., as directors shall prescribe.

Resolution of June 4, 1867, to change name, filed with the Secretary of State, August 23, 1867.

Chap. 214, Laws of 1868, approved March 3.

Dunn county authorized to vote aid to the amount of \$50,000, payable in 30 years, with 7 per cent. semi-annual interest, payable in the city of New York.

Chap. 188, G. Laws of 1869, approved March 5.

Authorizes counties, towns or cities to vote aid in the construction of the West Wisconsin Railway, upon such terms as may be agreed on with the company. A tax to be levied annually to pay the interest.

Chap. 211, P. Laws of 1869, approved March 5.

Amending section 1 of chap. 214 of P. Laws of 1868, as to the manner of voting aid.

Chap. 104, G. Laws of 1870, approved March 16.

The act of April 2, 1864, by which the lands of the company were exempt

from taxes for ten years from the passage of that act, is by this act extended for the further term of ten years for the portion unsold. The act to be void unless the company builds the road within two years from the passage of this act. *Provided*, that this act shall not apply to Pierce county.

Chap. 516, P. Laws of 1870, approved March 17.

Amends sec. 11 of chap. 243, Laws of 1863, so as to provide for cases where minors are owners of land. Also amended by grant of right of way through state lands, 100 feet wide, together with such other state lands beyond the 100 feet limit as may be needed for depots, etc. Also, authorizes the company to extend the line of road to the south line of the state.

Chap. 113, P. Laws of 1871, approved Feb. 24.

Each and every clause and provision in chap. 243 of the P. Laws of 1863, or in any amendment thereto, or in any other act authorizing the railroad company to sell, or lease to or consolidate with any other railroad company, is hereby repealed. The West Wisconsin Railroad Company not to make any preference in its running connections with other railroads.

Chap. 198, P. Laws of 1871, approved March 3.

Authorized to construct bridge across Willow river, at the city of Hudson, and to extend the same along Willow river bar across St. Croix lake. Also, to build or purchase any railway hereafter to be constructed in the state of Minnesota, having its terminus on the St. Croix lake: *provided*, any other railway shall have the right to use said bridge.

Chap. 280, P. Laws of 1871, approved March 14.

Sec. 2 of chap. 310 of Laws of 1866, amended to enable the towns of St. Croix county to receive stock at par value to the amount paid by such towns for right of way of West Wisconsin railway.

Chap. 408, P. Laws of 1871, approved March 23.

Authorized to keep and maintain the several bridges built and now in use by the West Wisconsin Railway Company across Black river, the Eau Claire river, the Chippewa river and the Menomonee or Red river as the same are now constructed, with right to re-construct, repair, etc.

Chap. 289, P. Laws of 1871, approved March 22.

Sec. 2 of chap. 279 of the G. Laws of 1865, amended so as to read: "The said board of supervisors of St. Croix county are hereby authorized in their discretion to issue bonds of said county to the West Wisconsin Railway to the amount of \$25,000. * * *

The company required to complete said road to Lake St. Croix terminus by 1st January, 1872, and the bonds not to be delivered until the road is completed to said terminus.

Chap. 356, P. Laws of 1871. Published March 22.

From and after the 22d of March, 1871, all lands in Trempealeau county, owned by any railroad company not used for road-bed or depot purposes shall be liable to taxation the same as other real estate.

Chap. 189, G. Laws of 1871. Approved March 24.

Section 2 of chapter 104 of the general laws of 1870, amended so as to exempt Trempealeau county railroad lands from taxation.

Chap. 46, P. Laws of 1872, Approved March 15.

Each and every section, clause and provision in chapter 113 of the laws of 1871, in the act entitled an act to amend chapter 243 of the laws of 1863, and the various acts amendatory thereof, approved February 24, 1871, is repealed.

Chap. 116, P. Laws of 1872. Approved March 25.

So much of chapter 307 of general laws 1864, as authorizes the counties of St. Croix and Eau Claire to issue bonds to aid railroads is repealed.

Chap. 183, P. Laws of 1872. Approved March 25.

Chapter 389 of private laws of 1865, repealed, and the county supervisors of St. Croix county prohibited from issuing bonds under chapter 307 and 401 of the general laws of 1864, and the acts amendatory thereof, or of chapter 389 of private laws of 1871.

Chap. 160, G. Laws of 1872, approved March 25.

Any Railroad Company authorized to sell, assign and transfer lands conferred upon it, to any other railroad company which shall have by law the right to construct a railroad upon and along the line, or any portion of the line upon which the lands so to be assigned are applicable under the congressional grant, etc.

Chap. 81, Laws of 1876, approved Feb. 13.

To relay track of West Wisconsin Railway from Warren's Mills in the county of Monroe, along and upon the lines heretofore used by said company to the point of connection with the Milwaukee and St. Paul Railway in the village of Tomah in said county, and equip the same in as good and substantial manner * * * and run trains by June 1, 1873, etc., under penalty of forfeiture of all rights, grants, etc., conferred by chapter 243 of P. and L. Laws of 1863. And the Attorney General to commence suit to enforce such forfeiture, and the Governor authorized to employ assistant counsel if necessary.

SHEBOYGAN AND FOND DU LAC R. R. CO.

The Sheboygan and Fond du Lac Railroad Company was incorporated by act of territorial legislature, January 25, 1847, with the usual powers, privileges and franchises granted by charters at that period. Five thousand shares of stock of fifty dollars each were required to be subscribed for, and five dollars on each actually paid, as a preliminary to organization. On the completion of ten miles of track the company were authorized to receive such sums of money for passengers and freight as they deemed reasonable, but the right was reserved to the legislature to alter and reduce such tolls, but not to an extent to reduce the profits of the company below twelve per cent. on the capital stock invested. *Act approved January 25, 1847.*

Said charter of said company amended by supplementary act, approved February 11, 1847, requiring the Governor, whenever two thousand shares of the capital stock was subscribed for in accordance with its charter, by letters patent, to create and erect the subscribers thereto, as well as subsequent subscribers into a body corporate and politic.

Chapter 448, laws of 1867, authorizes the county of Fond du Lac, upon petition therefor, to loan its credit in aid of said railroad company, upon the usual conditions in such cases, to the amount of \$90,000 in county orders, and for an extension of the line to Ripon, in the further sum of \$60,000. Section 6 of said act limits rates of charges for transportation for the term of ten years, to wit: wheat in car loads, from the city of Fond du Lac and stations east, within said county, to the city of Sheboygan, at a rate not exceeding five cents per bushel; and from all stations between the city of Fond du Lac and Ripon, and from said city to Sheboygan, at a rate not exceeding seven cents per bushel for transportation to Sheboygan; said rates to apply not only to said company, but to its successors, or to any company owning or operating said road whenever cars were run for the transportation of freight. *Act approved April 10, 1867.*

Chap. 99, laws of 1868, authorized the city of Sheboygan to vote aid to said road in the sum of \$15,000, in the form of city orders, upon condition that the road should be open for freight and passengers on or before the 1st day of October, 1869, and in case of failure said aid was not to be rendered. *Act approved Feb. 22, 1868.*

Chap. 382, laws of 1868, authorizes said company to extend its road from the city of Fond du Lac to Ripon. *Act approved March 5, 1868.*

Chap. 421, laws of 1868, authorizes said company to construct a branch road from some point on its line to be fixed by the directors, to the Fox river at or near the foot of Lake Winnebago, and extends all the powers of the franchises originally granted over such proposed extension. *Act approved March 6, 1868.*

Chap. 459, laws of 1868, authorizes the county of Calumet to loan its credit to an extension of the road of said company from some point on its line to be legally designated, to the Fox river, below Lake Winnebago, in the sum of \$150,000, upon substantially the usual conditions attached to charters in such cases. *Act approved March 6, 1868.*

Chap. 85, laws of 1869, authorizes said company to extend its line of road from the city of Fond du Lac, via Ripon and Portage City, to the Mississippi river, and extends all the powers of the original charter and amendments to said proposed extension. *Act approved Feb. 25, 1869.*

Chap. 203, laws of 1869, authorizes the towns of Green Lake, Mackford, Manchester, Kingston, and the village of Markesan in the county of Green Lake, to vote aid to the Sheboygan and Fond du Lac Railroad Company in such sums as the boards of supervisors or trustees should determine, the same to be submitted for approval to a vote of citizens resident in said towns, etc. *Act approved March 5, 1869.*

Chap. 78, laws of 1871, authorizes any county or town through or into

which said railroad or any extension thereof runs or shall run, or lying within five miles of the line, to loan its credit by exchanging municipal bonds for stock, in such sum as should be agreed upon. Instead of submission to a vote of the people, the company was authorized to file with the county, town, city or village clerk, a definite proposition as to the aid asked, and if within three months of filing the same, said company presented to said clerks petitions signed by a majority of tax payers in such localities in favor of such proposition, bonds drawing 7 per cent. interest were to be issued to the amount of the sum so solicited, in exchange for the stock of said road. *Act approved Feb. 17, 1871.*

Chapter 164, laws of 1871, authorizes said company to extend their road westerly, via. Ripon to the Mississippi river; to increase its capital stock from time to time, to such amount as its board of directors thought necessary and expedient; and to change its corporate name by resolution, whenever the directors so desired. *Act approved March 2, 1871.*

MILWAUKEE, LAKE SHORE AND WESTERN R. R. CO.

Chap. 242, Laws of 1870, incorporates the Milwaukee, Manitowoc and Green Bay Railroad Company, with all the usual powers and franchises of such corporations. The route prescribed was from the city of Milwaukee northerly through the counties of Ozaukee, Sheboygan and Manitowoc, to Green Bay, in Brown county. *Act approved March 10, 1870.*

Chap. 365, Laws of 1866, incorporates the Appleton and New London Railway Company, with all the franchises usually granted to a railroad corporation. The route of road prescribed is from Appleton, in Outagamie county, to New London, in Waupaca county. *Act approved April 9, 1866.*

MINERAL POINT R. R. CO.

The Mineral Point Railroad Company was incorporated by chap. 415, Laws of 1852, with all the usual powers and franchises of such corporations granted at that period. Capital stock limited to \$500,000. The route of the road was to be from "some eligible point in the town of Mineral point, Iowa county, to such eligible point in either of the townships of number one north of the base line, and east of the fourth principal meridian in the counties of La Fayette or Green, as should be determined by a vote of the stockholders." *Act approved April 17, 1852.*

Chap. 67, Laws of 1853, amends the charter of said company by authorizing an increase of directors; a change of the line of route; but prohibiting a change in the points of commencement and termination; and generally enlarges the powers of said incorporation. *Act approved March 7, 1853.*

Chap. 297, Laws of 1865, authorizes said company to extend its road northerly from Mineral Point to Tomah, and to increase its capital stock to an amount not exceeding \$1,500,000.

Chap. 327, Laws of 1868, authorizes the village of Dodgeville to loan its credit in the sum of \$18,000, to aid in the extension of said railroad from Mineral Point to Dodgeville, in the usual manner of such loans, and to contract with the Mineral Point or other railroad company in reference thereto. *Act approved March 5, 1868.*

Chap. 257, Laws of 1873, authorizes the Governor to appoint a commissioner to make a full and thorough investigation whether the present owners of said railroad are so using its franchises and powers as to be extortionate, unaccommodating and oppressive upon the people of Iowa and other counties, and patrons generally of the road. On completion of the testimony said commissioner was required to report the facts to the governor, to be laid before the legislature. *Act approved March 19, 1873. See Appendix.*

ST. CROIX AND SUPERIOR R. R. CO.

Chap. 74, laws of 1854, incorporates the Saint Croix and Lake Superior Railroad Company, with all the powers, privileges and franchises usually conferred upon railroad companies. *Act approved Feb. 24, 1854.*

Chap. 83, laws of 1872, repeals chap. 74, laws of 1854, and all acts contravening the act of repeal. *Act approved March 22, 1872.*

ACTS OF CONGRESS.

Act of June 8, 1856.

AN ACT granting public lands to the state of Wisconsin to aid in the construction of railroads in said state.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be, and is hereby, granted to the state of Wisconsin for the purpose of aiding in the construction of a railroad from Madison or Columbus, by the way of Portage City to the St. Croix river or lake, between townships twenty-five and thirty-one, and from thence to the west end of Lake Superior, and to Bayfield; and also from Fond du Lac on Lake Winnebago, northerly to the state line, every alternate section of land designated by odd numbers for six sections in width, on each side of said roads respectively. But in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any sections or parts thereof granted as aforesaid, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or

agents to be appointed by the governor of said state, to select, subject to the approval of the secretary of the interior, from the lands of the United States nearest to the tier of sections above specified, so much land in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of pre-emption has attached as aforesaid, which lands (thus selected in lieu of those sold, and to which pre-emption has attached as aforesaid, together with the sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid,) shall be held by the state of Wisconsin for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the line of the roads in each case, and selected for and on account of said roads: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands reserved to the United States by any act of congress for the purpose of aiding in any object of internal improvement, or in any manner for any purpose whatsoever, be, and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the route of said railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land, which, by such grant, shall remain to the United States, within six miles on each side of said roads, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale at the increased price.

SEC. 3. *And be it further enacted*, That the said lands hereby granted to said state shall be subject to the disposal of the legislature thereof, for the purposes aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the government of the United States free from toll or other charge upon the transportation of property or troops of the United States.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said state shall be disposed of by said state only in manner following, that is to say: that a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of roads, respectively, may be sold; and when the Governor of said state shall certify to the Secretary of the Interior that any twenty continuous miles of either of said roads are completed, then another like quantity of land hereby granted may be sold; and so from time to time until said roads are completed; and if said roads are not completed within ten years, no further sales shall be made, and the unsold lands shall revert to the United States.

SEC. 5. *And be it further enacted*, That the United States mail shall be

transported over said roads, under the direction of the postoffice department, at such price as congress may, by law, direct: *provided*, that until such price is fixed by law, the Postmaster-General shall have the power to determine the same.

Approved June 3, 1856.

RESOLUTION explanatory of and in addition to the act of June third, eighteen hundred and fifty-six, granting public lands to the state of Wisconsin to aid in the construction of railroads in said state.

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the word "northerly," in the first section of of the act entitled "an act granting public lands to the state of Wisconsin to aid in the construction of railroads in said state," approved June third, eighteen hundred and fifty-six, shall, without forfeiture to said state or its assigns of any rights or benefits under said act, or exemption from any of the conditions or obligations imposed thereby, be construed to authorize the location of the line of railroad in said first section provided for, upon any eligible route within ranges sixteen to twenty-three, inclusive, east of the fourth principal meridian. And the line of railroad as now located according to the records of the general land office in pursuance of said act, is hereby authorized to be changed to within the specified limits: *Provided, however*, that upon the construction of said railroad upon the new line, or of a sufficient part thereof, according to the terms of said act, the state of Wisconsin, its grantees or assigns, shall receive upon the route originally located, and in the manner prescribed by the act, the same quantity of lands, and no more or other, except as hereinafter provided for, as it or they would have received if such railroad had been constructed upon the line originally located.

SEC. 2. *And be it further resolved*, That there be and is hereby granted to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from the town of Appleton in said state, to some point on Green Bay, at or near the mouth of Fox River, in said state, so much of the public lands of the United States lying at or near the mouth of said river, in the county of Brown and state of Wisconsin, known as the Fort Howard Military Reserve, as may be required for right of way, tracks, turn-outs, depots, workshops, warehouses, wharves, and other railroad uses, not exceeding eighty acres, to be so selected by the state of Wisconsin or her assigns as to exclude the fort therefrom: *Provided, however*, That if no railroad be constructed and in running order between the termini in this section mentioned within three years from the passage of this joint resolution, then this grant shall be void.

SEC. 3. *And be it further resolved*, That the Secretary of the Interior be and he is hereby, authorized to cause all even sections, or parts of even sections, of public land that may be brought within six miles of the new line of railroad, as herein provided for, to be sold at the same price and in the same manner as those have been upon the originally located route of railroad.

And all purchasers, or their heirs or assigns, within the six mile limits of the said originally located route, who shall be more than six miles from the new line of route herein authorized, and who have paid the sum of two dollars and fifty cents an acre, shall have the right either to exchange their locations upon the line as first established to the new line, upon the same terms, in like quantities, and in the same manner, as on the line first established as aforesaid, or, at their option, to enter, without further payment, anywhere within the Menasha land district, in the state of Wisconsin, an additional quantity of public lands subject to private entry at one dollar and twenty-five cents an acre, equal to the quantity entered by them at two dollars and fifty cents an acre, so that the lands originally entered by them shall thus be reduced to the rate of one dollar and twenty-five cents an acre.

SEC. 4. *And be it further resolved*, That the even sections of public lands reserved to the United States by the aforesaid act of June third, eighteen hundred and fifty-six, along the originally located route of railroad north of the said town of Appleton, and along which no railroad has been constructed, shall hereafter be sold at one dollar and twenty-five cents per acre.

Approved April 25, 1862.

Act of May 5, 1864.

AN ACT granting lands to aid in the construction of certain railroads in the state of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That there be, and is hereby granted to the state of Wisconsin for the purpose of aiding in the construction of a railroad from a point on the St. Croix river or lake, between townships twenty-five and thirty-one, to the west end of Lake Superior, and from some point on the line of said railroad, to be located by said state, to Bayfield, every alternate section of public land designated by odd numbers, for ten sections in width on each side of said road, deducting any and all lands that may have been granted to the state of Wisconsin for the same purpose by the act of Congress of June three, eighteen hundred and fifty-six, upon the same terms and conditions as are contained in the act granting lands to the state of Wisconsin, to aid in the construction of railroads in said state, approved June three, eighteen hundred and fifty-six. But in case it shall appear that the United States have, when the line or route is definitely fixed, sold, reserved, or otherwise disposed of any section or parts thereof as aforesaid, or that the right of pre-emption or homestead has attached to the same, then it shall be lawful for any agent or agents, to be appointed by said company, to select, subject to approval of the Secretary of the Interior, from the public lands of the United States nearest to the tier of sections above specified, as much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of pre-emption or homestead has attached as aforesaid, which lands (then selected in lieu of those sold, and to which preemption or homestead right has attached as aforesaid, together with sec-

tions and parts [of sections designated by odd numbers as aforesaid, and appropriate as aforesaid) shall be held by said state for [the use and purpose aforesaid, provided, that the lands to be so located shall in no case be further than twenty miles from the line of the said roads, nor shall such selection or location be made in lieu of lands received under the said grant of June three eighteen hundred and fifty-six, but such selection and location may be made for the benefit of said state, and for the purpose aforesaid, to supply any deficiency under the said grant of June third, eighteen hundred and fifty-six, should any such deficiency exist.

SEC. 2. *And be it further enacted,* That there be, and is hereby, granted to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from the town of Tomah, in the county of Monroe, in said state, to the Saint Croix river or lake, between townships twenty-five and thirty-one, every alternate section of public land, designated by odd numbers, for ten sections in width on each side of said roads, deducting any and all lands that may have been granted to the state of Wisconsin for the same purpose by the act of congress granting lands to said state to aid in the construction of certain railroads, approved June three, eighteen hundred and fifty-six, upon the same terms and conditions as are contained in the said act of June three eighteen hundred and fifty-six. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, reserved or otherwise disposed of any sections, or parts of sections, granted as aforesaid, or that the right of pre-emption or homestead has attached to the same, then it shall be lawful for any agent or agents to be appointed by said state to select, subject to the approval of the Secretary of the Interior, from the public lands of the United States, nearest to the tier of sections above specified, as much land, in alternate sections, or parts of sections, as shall be equal to, such lands as the United States have sold, or otherwise appropriated, or to which the right of pre-emption or homestead has attached, as aforesaid, which lands thus selected in lieu of those sold, and to which pre-emption or homestead right has attached as aforesaid, together with sections and parts of sections, designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by said state for the use and purpose aforesaid. *Provided,* That the lands so located shall in no case be further than twenty miles from the line of said road, nor shall such selection or location be made in lieu of lands received under the said grant of June three, eighteen hundred and fifty-six, but such selections and locations may be made for the benefit of said state, and for the purpose aforesaid, to supply any deficiency under the said grant of June three, eighteen hundred and fifty-six, should any such deficiency exist.

SEC. 3. *And be it further enacted,* That there be, and is hereby granted to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from Portage City, Berlin, Dotys Island, or Fond du Lac, as said state may determine, in a northwestern direction, to Bayfield, and thence to Superior, on Lake Superior, every alternate section of public land, designated by odd numbers, for ten sections in width on each side of said road, upon the same terms and conditions as are contained in the act granting lands to

said state to aid in construction the of railroads in said state, approved June three, eight hundred and fifty-six. But in case it shall appear that the United States have when the line or route of said road is definitely fixed, sold, reserved, or otherwise disposed of any sections or parts thereof, granted as aforesaid, or that the right of pre-exemption or homestead has attached to the same, that it shall be lawful for any agent or agents of said state, appointed by the governor thereof, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the teir of sections above specified, as much public land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of pre-exemption or homestead has attached as aforesaid, which lands (thus selected in lieu of those sold and to which the right of pre-emption or homestead has attached as aforesaid, together with sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid), shall be held by said state, or by the company to which she may transfer the same, for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than twenty miles from the line of said road.

SEC. 4. *And be it further enacted*, That the sections and parts of sections of lands which shall remain to the United States within ten miles on each side of said roads shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of the said reserved lands become subject to private entry until the same have been first offered at public sale at the increased price.

SEC. 5. *And be it further enacted*, That the time fixed and limited for the completion of said roads in the act aforesaid of June three, eighteen hundred and fifty-six, be, and the same is hereby extended to a period of five years from and after the passage of this act.

SEC. 6. *And be it further enacted*, That any and all lands reserved to the United States by an act of congress for the purpose of aiding in any object of internal improvement, or in any manner for any purpose whatsoever, and all mineral lands be, and the same are hereby reserved and excluded from the operation of this act, except so far as it may be found to be necessary to locate the route of such railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 7. *And be it further enacted*, That whenever the companies to which this grant is made, or to which the same may be transferred, shall have completed twenty consecutive miles of any portion of said railroads, supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turnouts, watering places, depots, equipments, furniture, and all other appurtenances of a first-class railroad, patents shall issue conveying the right and title to the said lands to the said company entitled thereto, on each side of the road, as far as the same is completed, and coterminus with said completed section, not exceeding the amount aforesaid, and patents shall in like manner issue as each twenty miles of said road is completed: *Provided, how-*

over, That no patents shall issue for any of said lands unless there shall be presented to the Secretary of the Interior a statement, verified on oath or affirmation by the president of said company, and certified by the Governor of the state of Wisconsin, that such twenty miles have been completed in the manner required by this act, and setting forth with certainty the points where such twenty miles begin and where the same ends; which oath shall be taken before a judge of a court of record of the United States.

SEC. 8. *And be it further enacted*, That said lands hereby granted shall, when patented as provided section seven of this act, be subject to the disposal of the companies generally entitled thereto, for the purposes aforesaid, and no other, and the said railroads be and shall remain public highways for the use of the government of the United States, free from all toll or other charge, for the transportation of any property or troops of the United States.

SEC. 9. *And be it further enacted*, That if said road mentioned in the third section aforesaid is not completed within ten years from the time of the passage of this act, as provided therein, no further patents shall be issued to said company for said lands, and no further sale shall be made, and the lands unsold shall revert to the United States. Approved May 5, 1864.

Act of March 3, 1865.

AN ACT to extend the time for the completion of certain railroads to which land grants have been made in the states of Michigan and Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled: * * * SEC. 5. *And be it further enacted*, That the time for the completion of the railroad from Fond du Lac, on Lake Winnebago, to the Wisconsin state line, at or near the mouth of the Menomonee river, shall be, and hereby is, extended for the period of five years from and after the third day of June, one thousand eight hundred and sixty-six; and that any and all grants of land to said road shall continue and remain in full force and effect.

SEC. 6. *And be it further enacted*, That each of said companies shall grade, in a good and substantial manner, ready for the ties, twenty miles of its road within two years, and twenty miles additional thereof in each year thereafter: *provided*, that if said companies, or either of them, shall neglect or fail to do so, or to complete its road within the time herein specified, the land granted to such company shall revert to the United States.

Approved March 3, 1865.

A RESOLUTION explanatory of, and in addition to, the act of May fifth, eighteen hundred and sixty-four, entitled "an act granting lands to aid in the construction of certain railroads in Wisconsin."

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the words, "in a northwestern direction," in the third section of the act entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," approved

May fifth, eighteen hundred and sixty-four, shall, without forfeiture to said state, or its assigns, of any rights or benefits under said act, or exemption from any of the conditions or obligations imposed thereby, be construed to authorize the location of the line of said road, in said third section provided for, along and upon the following route, that is to say: from the city of Portage, by the way of the city of Ripon, in the county of Fond du Lac, and the city of Berlin, in the county of Green Lake, to Stevens Point, and thence to Bayfield, and thence to Superior, on Lake Superior. And the legislature of the said state of Wisconsin, having, in and by an act entitled "an act to incorporate the Portage and Superior Railroad Company, and to execute the trust created by section three of the act of congress, entitled 'an act granting lands to aid in the construction of certain railroads in the state of Wisconsin,' approved May fifth, eighteen hundred and sixty-four," approved April —, eighteen hundred and sixty six, authorized and required the said Portage and Superior Railroad Company to construct the line of road in the said third section of the said act of congress provided for, upon and along the route hereinbefore set forth and described, the congress of the United States hereby gives its assent to the route of the said railroad, as the same is hereinbefore described and set forth, and consents to the selection and application of the lands granted to the state of Wisconsin by the third section of the said act of congress hereinbefore mentioned, for and to the line of the said railroad, as the same is hereinbefore defined and described, in the same manner and with the same effect as if the said railroad was located and constructed in strict conformity with and upon the route prescribed in the said third section of the said act of congress. It being the intention of this resolution to give the assent of the United States to the disposition made by the legislature of the state of Wisconsin of the land grant herein referred to, and the change of route for the railroad in aid of which the same is granted, and not to make any other disposition, change or alteration of the grant aforesaid.

Approved June 21, 1866.

JOINT RESOLUTION concerning certain lands granted to railroad companies in the states of Michigan and Wisconsin.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a failure to grade twenty miles of the roads within two years from the passage of the act entitled "an act to extend the time for the completion of certain railroads to which land grants have been made in the states of Michigan and Wisconsin," approved on the third day of March Anno Domini eighteen hundred and sixty-five, and twenty miles additional thereof in each year thereafter, as required by said act, shall not cause any forfeiture or reversion to the United States of any lands granted to the said states, or either of them, to aid in the construction of the railroads described: provided, That said companies, or either of them, shall fully complete their said railroads in the manner required by law on or before the thirty-first December, Anno Domini eighteen hundred and seventy-two, at which time a failure shall forfeit the lands to the United States: provided,

(That) the provisions of this section shall apply only to the chartered and projected line of railway from the city of Fond du Lac, in the state of Wisconsin, northerly to Escanaba, in the state of Michigan, and the chartered and projected line of railway from Marquette, in the state of Michigan, westerly to Ontonagon, in the same state: * * *

SEC. 2. *And be it further resolved*, That the commissioner of the general land office be, and he hereby is, authorized and directed to cause a patent, in due form of law, to be issued to the Chicago and Northwestern Railway Company, in pursuance of a resolution passed by congress granting the same to the state of Wisconsin, approved April twenty-five, Anno Domini eighteen hundred and sixty-two, and an act of the legislature of Wisconsin, approved June sixteen, Anno Domini eighteen hundred and sixty-two, granting the same to said company for eighty acres of land of the Fort Howard military reserve, as the same was surveyed and approved by said commissioner on the eleventh June, Anno Domini eighteen hundred and sixty-four.

Approved May 20, 1868.]

JOINT RESOLUTION to extend the time for the completion of the West Wisconsin Railroad.

Be it resolved by the senate and house of representatives of the United States of America, in congress assembled, That the time fixed and limited by an act entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," approved May five, eighteen hundred and sixty-four, for the completion of the railroad from Tomah, in the county of Monroe, to St. Croix river or lake, between townships twenty-five and thirty-one, be, and the same is hereby, further extended for a period of three years, to the West Wisconsin Railroad Company, a corporation established by the laws of the state of Wisconsin, and which, by the law of said state, is entitled to the land grant made in the second section of said act: *Provided*, that if said railway company shall not have completed said railroad from Tomah to Black River Falls on or before the expiration of one year from the passage of this resolution, this act shall be null and void.

Approved July 13, 1868.

Act of July 27, 1868.

AN ACT amendatory of an act entitled "an act granting public lands to the state of Wisconsin, to aid in the construction of railroads in said state, approved June 3, 1856."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the legislature of the state of Wisconsin to dispose of the lands granted, and which may have enured and been certified to the state of Wisconsin under the act of congress approved June third, eighteen hundred and fifty-six, to aid in the construction of a railroad "from Madison or Columbus by way of Portage City to the St. Croix river or lake, between townships twenty-five and

thirty-one," and commonly known as La Crosse and Milwaukee Railroad, for the benefit of the Wisconsin Railroad Farm Mortgage Land Company, existing under and by virtue of the laws of Wisconsin: *Provided, however,* That this act shall apply only to such lands as may be due the state of Wisconsin for the portion of said road already completed.

Approved July 27, 1868.

An act making appropriation for sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * * * and such construction shall be given to the joint resolution number thirty, approved twenty fifth of April, eighteen hundred and sixty-two, as shall not abridge the grant under the act of June third, eighteen hundred and fifty six, for a railroad from Fond du Lac northerly to state line, and the Chicago and Northwestern Railroad Company may select their lands along the full extent of the original route of said road as filed under the said act. Approved March 8, 1869.*

EXECUTIVE AND LEGAL DOCUMENTS.

LETTER OF ALEXANDER MITCHELL,

President Chicago, Milwaukee and St. Paul Railway Company.

TO THE GOVERNOR.

MILWAUKEE, April 28, 1874.

His Excellency, WILLIAM R. TAYLOR, *Governor of Wisconsin:*

DEAR SIR: At the last session of the legislature an act was passed entitled "an act relating to railroads, express and telegraph companies in the state of Wisconsin," which assumes, among other things, to fix the tariff for freight and passengers, which the railroads of the state may hereafter charge. This act arbitrarily divides the railroads of the state into different classes, and then declares that one class shall charge one rate, another a different rate, and a third class still another rate of compensation for performing the same or similar services, and affixes severe penalties for a violation of its provisions. You are aware that this species of legislation is entirely new in this state, and in the broad and sweeping terms of this act, is practically unknown to any of the states of the Union. The right of a company owning a road to fix its rate or charges was recently held in the supreme court of the United States to be "an attribute of ownership." Yet this law wholly ignores that right, and not only deprives the owner of property of the right to fix the compensation to be paid for its use, but arbitrarily fixes one price for one and a different one for another, without any inquiry as to whether the price fixed "is a reasonable one, or will afford a fair and adequate remuneration and return upon the amount of capital invested." The obligation and promise which Chief Justice Dixon says, "spring from the act of incorporation and invitation by the state to persons to invest their money in the stock" of railroad companies, that they shall receive a fair and reasonable compensation for the money expended, is wholly disregarded.

The roads now owned and operated by the Chicago, Milwaukee and St. Paul Railway Company were all built under charters which provided that "the board of directors should have the right and power to regulate their tolls," and that the company should have the right to demand and receive such sum or sums of money for freight of persons and property as they should from time to time think reasonable. On this solemn faith and pledge these roads were built, and their right to a fair and reasonable return for the capital invested became settled and fixed, beyond the power of the legislature to abrogate or destroy. These roads are property created under the sanction of law, and are owned by the company. To arbitrarily deprive the company of them or their beneficial use, by act of the legislature, is depriving the company of its property without due process of law. It is confiscation. If it is claimed that the public interests demand this action, on the part of the state, then, I submit, it is taking the property for public use, and that just compensation must be made. The present company has succeeded to all the

rights granted to the original companies by operation of law, and is entitled to exercise them. The sad spectacle is now presented of this great state attempting to violate its plighted faith and repudiate its solemn agreement; after the roads have been built, and the money of the stockholders expended, after the improvement has been made, and the state received all the benefits expected.

I cannot believe that the people of this state desire to be placed in any such position, and am satisfied that the action of the legislature in enacting this law will be repudiated by them, as soon as its real character is understood. That it has effectually destroyed all future railroad enterprises, no one who is acquainted with its effect in money centers will for a moment doubt. That, however, I do not care to discuss at this time, as the state has an undoubted right to prevent a further extension of its railroad system if it chooses, although, as a citizen, I deeply regret such short sighted policy. But as the representative of the Chicago, Milwaukee and St. Paul Railway Company, a part of whose system of roads is in this state, and who have expended over \$25,000,000 in permanent improvements therein, on the faith and credit of the charters granted, all of which is directly and seriously affected by the law in question, and must be ultimately ruined and destroyed, if this policy is persisted in and successfully enforced, I am compelled not only to protest against such unjust legislation and violation of plighted faith, but also to inform you, and through you, the people of the state, what its effect, if submitted to, will be, not only upon the company that I represent, but upon the whole railroad system of the state, and the business interests of the whole community. The entire road of the Chicago, Milwaukee and St. Paul Railway Company, as now constructed and equipped, has cost about \$36,000 per mile. The portion in Wisconsin, including all our valuable grounds and improvements at Milwaukee and other points, cost about \$28,000 per mile. It is capitalized at those sums respectively, in bonds and stock. The stock has never been watered, and it is believed that the road could not be produced in its present condition for a sum less than its cost or present capitalization at this time. All agree that the company is entitled to a fair return on the capital invested.

The railroads already constructed have added many millions to the wealth of the state, and perhaps no class have derived so great a benefit as the farmer. Many of the farms and much of the farming land of Wisconsin, now worth from \$50 to \$100 per acre, without railroads would not be worth to exceed \$10 to \$20. Other branches of business and other industries of the state have experienced a similar benefit from the construction and operation of those roads. Yet every one familiar with railroading in Wisconsin, is aware that no dividends were paid for the first twelve or fifteen years that the roads were in operation, and that they were unable to pay the interest on their bonds, and nearly all passed through the process of foreclosure. It is only within the last ten years that any dividends have been paid on the stock of any of the roads. The bonded debt of the companies, generally, bears only 7 per cent. interest, and amounts to but little more than half the actual cost of the roads with their equipments. During the last ten years this interest has been paid and represents an income of seven per cent. on a trifle over one-half of the cost of the property. Since the organization of the Chicago, Milwaukee and St. Paul Railway Company, in May, 1863, there has been paid in cash dividends on its stock, which represents nearly one-half of the actual cost of the property, \$3,813,257 72-100, which amounts to twenty-four per cent. only for the whole time, ten and half years, and is equivalent to a dividend of only 2 28-100 per cent. per annum on the stock of the company. All the balance of the earnings over and above these dividends and payment of the interest on the bonded debt, has been consumed, in operating expenses and improvements of the road and rolling stock, and bringing the property to its present state and condition, and were necessary for that purpose. We have then, as the results of the last ten and a half years existence of the Chicago, Milwaukee and St. Paul Railway Company, one-half of the cost of the road capitalized in bonds which has received seven per cent. per annum; the other half, capitalized in stock, preferred and common, which has received 2 28-100 per cent. per annum in cash, and taking stock and bonds together, the actual return to the investors has been 4 46-100 per cent. per annum on the actual cost

of the property from May, 1868, to January, 1874. In addition to this amount, a small amount in stock has been distributed in dividends to represent that portion of the net earnings used in completing the construction of and improving the property. These stock dividends amount to 8-10 per cent. per annum. With these stock dividends added to the cash dividends above named, at their nominal value, and the whole amount received on the investment for interest and cash and stock dividends, amounts to only six per cent. per annum of the actual cost of the property. I submit to your Excellency, and through you to the people of the state, whether this is more than a fair and reasonable return for the capital invested in these improvements. Is it not far below such reasonable amount? The best and most careful economists admit that not less than ten per cent. per annum should be allowed on such investments. Yet less than one-half that amount has been received in cash, by this company, and the legislature now attempts to assume the regulation of our income and reduce it to a point barely above operating expenses. The company is now engaged in re-laying its road with steel rails, and when that and other improvements shall have been completed, it is hoped that moderate and reasonable dividends may be made on the actual cost of the road, and that our increased facilities may enable us to reduce the rates charged for passengers and freight.

The directors of this company have at all times had a due regard to the interests of the public and a desire to furnish transportation at the lowest possible figure, and although not receiving a fair and reasonable return on their investments, they have, for the last four years prior to 1873, steadily reduced their rates of freight and passengers, from year to year, as will be seen from the following table, showing the charge for freight per mile, and average per mile for passengers, for each year, from 1867 to 1873, inclusive:

	Freight per ton per mile.	Passengers per mile.
1867		\$0 04
1868	\$0 08 ⁴⁰ / ₁₀₀	08 ⁴⁰ / ₁₀₀
1869	08 ¹⁰ / ₁₀₀	03 ²⁰ / ₁₀₀
1870	02 ²⁰ / ₁₀₀	08 ¹⁰ / ₁₀₀
1871	02 ²⁰ / ₁₀₀	08 ¹⁰ / ₁₀₀
1872	02 ⁴⁰ / ₁₀₀	03 ⁴⁰ / ₁₀₀
1873	02 ²⁰ / ₁₀₀	08 ¹⁰ / ₁₀₀

The law in question proposes to reduce our passenger rates 25 per cent., and our freight rates about the same, thus deducting from our present tariff about 25 per cent. of our gross earnings. The same legislature also imposed upon us an additional tax of one per cent. of our gross earnings, which is equivalent to taking three per cent. of our net earnings.

It is not pretended that we are now running too many trains or too great a rate of speed to accommodate the public, or that any less attention and expense can be bestowed upon our road bed and track or rolling stock, consistent with the safe operation of our road. Hence it is impossible for us to decrease the expense of operation and repair, and those expenses must remain as before the passage of the law, provided we continue to operate the road as a first class road and so as to accommodate the public. The entire reduction in our rates made by this act is, therefore, a reduction from our net earnings. The average expenses of operation are not less than two-thirds of our entire gross earnings, leaving a net of about one-third.

This act, as we have seen, proposes to take from us twenty-five per cent. of our passenger and freight earnings, and the additional tax of one per cent. of our gross earnings, all of which is equivalent to taking from us twenty-six per cent. of our gross earnings. Therefore, deducting this amount, equal to twenty-six per cent. of our entire gross earnings, from thirty-three per cent., our average net earnings on business would leave us only seven per cent. of our gross earnings, as the entire net earnings of the road, out of which must

be paid the interest on our bonds and the dividends to our stockholders. It is therefore manifest that this law will take from us over three-fourths of the net income received under our present tariff, and yet the total net income of last year was not sufficient to pay six per cent. on the actual cost of the property. Comment is unnecessary upon a law which proposes thus to deprive capital, permanently invested under the sacred promise and pledge of a great state, of a suitable and reasonable return.

Can it be that such a law, and passed under such circumstances, is constitutional and binding? Can the sacred obligation of the state to us be thus impaired? And can our property, invested on the faith and credit of the state, pledged in our charter, be thus confiscated? I do not believe it, and shall not, until compelled to do so by the decision of the highest court authorized to pass upon it.

The board of directors have caused this act to be carefully examined and considered by our own counsel, and by some of the most eminent jurists in the land, and after such examination they are unanimous in their opinion that it is unconstitutional and void. The board of directors are trustees of this property, and are bound faithfully to discharge their trust, and to the best of their ability protect it from spoliation and ruin. They have sought the advice of able counsel and after mature consideration, believe it their duty to disregard so much of said law as attempts arbitrarily to fix rates of compensation for freight and passengers.

I regret the necessity that compels the company to take this course, but it is the only one left to preserve the property, and properly test the question raised by the act. An unconstitutional act is void—a law that contravenes the constitution is of no effect. It is no law. The decision of the court only ascertains and declares that it is void. It is none the less unconstitutional and void, before it is so declared, than it is afterwards. Hence, such a law has no more binding force before than after the decision of the court. It is no justification for any act done or omitted at any time. The only difference is that parties obeying or disregarding it, before the courts decide upon it, are, in either case, acting upon their peril. Should we obey this law, and by so doing allow the property committed to our trust to suffer waste, the law would be no legal justification of our conduct should it afterward be adjudged unconstitutional, and so if we disobey it, our act will be justified or not, according as the court may finally determine. Being placed therefore in a position where we are compelled to act, we have determined to act in accordance with the advice of our counsel, as we are fully satisfied that it is only by so doing that we can protect and guard the important interests committed to our charge. It is from no disrespect to your Excellency or the constituted authorities of the state, that the board of directors have determined on this course. They are fully aware that they are not able to contend with the state, or defy its laws, and were it not for the fact that they are fully convinced of the unconstitutionality of this act, would not adopt a course of action which would seem, even, to contravene a law of the state. But being fully conscious that the enforcement of the law will ruin the property of this company, and feeling assured of the correctness of the opinions of the eminent counsel who have examined the question, the directors feel compelled to disregard the provisions of the law, so far as it fixes a tariff of rates for the company, until the courts shall have finally passed upon the question of its validity.

Respectfully yours, etc.,

ALEX. MITCHELL, *President.*

LETTER OF ALBERT KEEP,

President Chicago and Northwestern Railway Company.

His Excellency the Hon. WM. R. TAYLOR, *Governor of the State of Wisconsin.*

DEAR SIR: The directors of the Chicago and Northwestern Railroad Company, having carefully considered the provisions of the two acts in relation to railroads, approved on the 11th and 12th of March last, desire to state the reasons why the roads they represent cannot be operated under the schedule named in the said acts.

The rates prescribed therein average 30 per cent. less than those made by this company. To operate the Wisconsin lines has hitherto cost us 70 per cent. of the gross earnings. The recent addition of the Madison Extension will carry the percentage still higher. Impose a reduction, then, of 30 per cent. in our earnings, and the working expenses could hardly be met; while the interest on the bonded debt, irrespective of any surplus for dividends, would be wholly unprovided for. This, in effect, would be a confiscation of the property.

This company operates 566 miles of railway in Wisconsin. It was constructed at a cost of \$28,074,817.85. The actual cost of the 129 miles from Madison north to Winona Junction, without equipment, was \$5,261,184.41, or \$40,783.98 per mile. The line known and operated as the Wisconsin and Kenosha Divisions, between the Illinois and Michigan state lines, cost \$18,521,601.47. The means for this vast outlay were advanced mainly by non-residents and foreigners. They were induced to make the investment on the assurance that the people who invited it, and whom it most benefited, would never render it precarious, nor deny the owners a voice in the management of their own property.

The singular good feeling which has hitherto existed between the people of Wisconsin and this company has been to us a source of constant gratification. We have striven to maintain these harmonious relations, and have been extremely anxious to remove every just cause of complaint. The occurrence of a difference, however slight, is to us, then, especially, a matter of deep regret. And, were it possible to avoid it by a sacrifice even more than ordinary, we should not scruple to make it. But, when the concession involves our certain ruin, no alternative is left.

The officers of this company have at all times been willing to accord any information regarding the operations of their road in Wisconsin. It might reasonably have been expected that, when so grave a measure as the arbitrary reduction of the company's tariff, without rule or reason, was contemplated, the parties most interested would have been requested to state what it cost them to do their business. Without that knowledge, it is manifestly impossible for any authority to fix an equitable tariff. This company would gladly have given the information had it been desired. They had ample reason to know precisely what their expenses were. They had laid, and arranged to lay, in their track, where traffic was heaviest and most constant, two hundred and fifty miles of steel rails—a more extensive improvement in that line than projected by any other company in the west. This one expenditure of about \$3,000,000, necessitated a special increase in the bonded debt of the company. Having no coal mines on this line of road, they were obliged to pay more than double price paid by Illinois companies for fuel. They had purchased fifty new locomotives from the best manufactories—among them six of the most powerful Mogul engines, for special service on the Tunnel Division, of the company's Madison Extension, where two of the largest engines are required to haul one-half the load an ordinary locomotive can easily handle upon a comparatively level line. The 80 miles embraced in this Tunnel Division cost the company more to construct, and will cost it more to operate, than any 75 or 100 miles of the company's other property. Yet the tariff named in the act allows us no higher rates upon this division than upon the most favorably located line in the state. If enforced, they would compel us to operate that division at a positive loss. The same legislature which would ruinously decrease our revenue, increased the taxes levied upon the company one-third.

It will be evident to your Excellency that something beyond the bare working expenses of a road must be secured. The interest upon its bonds must be met. The tariff named in the act, applied to our business, would not yield the requisite sum after paying operating expenses. Can the latter be reduced? The company employs several thousand men in Wisconsin, none of whom are extravagantly paid. Were we to enforce a reduction in their wages corresponding to that attempted to be made in our tariff, a general strike would immediately ensue, and the public would justify the men. Clearly, then, expenses cannot be reduced in that way. The next item of magnitude is the cost of renewing and maintaining the track, building and equipment. We are obliged to furnish the best appointment known to the service, otherwise the courts mulct us in heavy damages for neglect. Therefore no opportunity for a reduction in this respect is afforded.

In proof of the company's willingness to reduce its tariff as rapidly and consistently as possible, the following statement of the rate charged for the past seven years is presented; to which we may add that the dividends paid stockholders have never been increased proportionally to the reductions made in the tariff, nor have they ever exceeded the rate of interest allowed by your state law:

	Earnings per passenger per mile.	Earnings per ton freight per mile.
For the year ending May 31, 1867	\$0 03 $\frac{23}{100}$	\$0 03 $\frac{41}{100}$
For the year ending May 31, 1868	04 $\frac{1}{100}$	03 $\frac{11}{100}$
For the year ending May 31, 1869	*	*
For the year ending May 31, 1870	03 $\frac{22}{100}$	03 $\frac{22}{100}$
For the year ending May 31, 1871	03 $\frac{11}{100}$	02 $\frac{17}{100}$
For the year ending May 31, 1872	03 $\frac{23}{100}$	02 $\frac{41}{100}$
For the year ending May 31, 1873	03 $\frac{18}{100}$	02 $\frac{11}{100}$

This constant reduction grew out of the enlarged and improved facilities of the company for moving trains and transacting business,—the benefits from which were invariably given to the public, and not reserved for the stockholders.

Should Your Excellency be desirous of confirming the correctness of these statements, every facility will be afforded the person or persons whom you may designate for that purpose. We court this investigation, in the assurance that, were the people possessed of all the facts in the case, they would demand the immediate repeal of the statutes which premeditate such gross injustice. For we cannot believe that, in the full light of all the circumstances, the intelligent citizens of Wisconsin would perpetrate a wrong which, if enforced, would virtually confiscate a property that has contributed as much, perhaps more, than any other enterprise, to the growth and prosperity of their state.

The fact that this railroad cannot be operated upon the schedule of rates contained in the acts referred to, without incurring heavy loss, as well as rendering it impossible to pay the interest upon its bonded debt, or dividends to its stockholders, places its managers in a very embarrassing position. Had the power to afford relief been vested in the commissioners, whom Your Excellency is to appoint, we should have waited and presented our case to them; but, that discretion being withheld from them, we have thought it proper to lay before Your Excellency a statement of the facts known to us, and which, we believe, were not fully known to, nor appreciated by, the Legislature when the acts referred to were passed.

Very respectfully,

ALBERT KEEP, *President.*

* The records for 1869 were destroyed in the Chicago fire, and cannot be reproduced.

PROCLAMATION BY THE GOVERNOR.

STATE OF WISCONSIN, EXECUTIVE OFFICE,

MADISON, May 1, 1874.

WHEREAS, The legislature, at its last session, passed an act entitled "An act in relation to railroads, express and telegraph companies in the state of Wisconsin," classifying railroads and freights, limiting and fixing the compensation to be charged for the transportation of freight and passengers, and providing for the appointment of railroad commissioners; and,

WHEREAS, The power of the legislature to regulate the operation of such companies in the respects named, is conceded to exist; and,

WHEREAS, Said act was duly approved on the 4th day of March, A. D. 1874, and was officially published on the 28th day of April, A. D., 1874, and is now, to all intents and purposes, the law of the land; and,

WHEREAS, The Chicago, Milwaukee and St. Paul Railway Company, and the Chicago and Northwestern Railway Company, on the 29th day of April, A. D. 1874, filed in the Executive Department communications signed by their respective presidents, and addressed to the Governor of the State of Wisconsin, in which they announce their determination to operate their roads without reference to the provisions of said act, and in defiance of its requirements; and,

WHEREAS, This unusual course on the part of these two great corporations is at once a source of profound regret, and in marked and unfavorable contrast with the patience and submission exhibited by the people in the presence of what they have deemed the unjust and burdensome exactions of the railroad companies in the past, and, if persisted in, must seriously disturb the business and greatly imperil the industries of the state; and,

WHEREAS, The constitution of the state devolves upon the Executive the duty to "expedite all such measures as shall be resolved upon by the legislature, and to take care that the laws be faithfully executed,"

Now, therefore, I, William R. Taylor, governor of the state of Wisconsin, do proclaim and make known that the law of the land must be respected and obeyed. While none are so weak as to be without its protection, none are so strong as to be above its restraints. If provisions of the law be deemed oppressive, resistance to its mandates will not abate, but rather multiply the anticipated evils. It may well be that the law is defective in some of its details, but it is still the law of the land, enacted by the legislature in the exercise of its conceded powers, and in accordance with the clearly expressed sentiment of the people of the state. It is the right of all to test its validity through the constituted channels, but with that right is coupled the duty of yielding a general obedience to its requirements until it has been pronounced invalid by competent authority. I am not without hope that better counsels will yet prevail with the railroad companies of the state; but if they or any of them are fixed in the determination to pursue the policy announced, upon them will fall the penalties of the law, and the consequences of a severe popular condemnation.

I, therefore, enjoin all railroad corporations, their officers and agents, peaceably to submit to the law, for since the Executive is charged with the responsibility of seeing that the laws are faithfully executed, all the functions of his office will be exercised to that end; and for this purpose he invokes the aid and cooperation of all good citizens.

In testimony whereof I have hereunto subscribed my name and caused the great seal of the state to be hereto affixed.

Done at the capital in the city of Madison, this first day of May, in the year of our Lord, 1874.

WM. R. TAYLOR,

Governor of Wisconsin

By the Governor:

PETER DOYLE,

Secretary of State.

ADDRESS BY THE GOVERNOR.

STATE OF WISCONSIN, EXECUTIVE DEPARTMENT,
MADISON, May 21, 1874.

To the People of Wisconsin:

The act of your legislature, passed at the last session, entitled "an act relating to railroads, express and telegraph companies in the state of Wisconsin," was approved by me March 11, 1874, in the firm conviction of the necessity and validity of such legislation. But, in order that ample time should be given to the railroad companies affected thereby to arrange their business so as to meet its requirements, the legislature very considerably directed that its publication, which was essential to its taking effect, should be delayed until the 28th day of April.

So far from using this period of forty-eight days for such purpose, however, two of the most powerful railroad companies, as you are aware, to wit: the Chicago, Milwaukee and St. Paul, and the Chicago and Northwestern Railway Companies, appear to have employed it in conspiring against the law, and in laying plans to defeat its operation. To this end, they procured, and widely published, the opinions of counsel hitherto in high repute, denying, first, the right of the state to limit the tariffs of railway corporations; and secondly, upon the basis of *ex parte* testimony, pronouncing this particular law invalid, on account of the rates therein prescribed being unjust and unreasonable, and gravely encouraging disobedience to its commands. Acting upon these opinions of interested counsel, and under the dictation of directors residing in remote parts of the country, the presidents of these companies then addressed communications to your Executive, declaring their belief in the injustice and invalidity of the law, and their deliberate purpose to disregard its provisions.

It is known to you that immediately thereafter, to wit, on the first day of May, I made a public proclamation of these facts, declaring that the law of the land must be obeyed; that while the right of all to test the validity of the law is conceded, with that right is coupled the duty of yielding obedience to its requirements until it has been pronounced invalid by competent authority; expressing the hope that better counsels would yet prevail with the railroad companies of the state; and enjoining all railroad corporations, their officers and agents, peaceably to submit to the law. This counsel and proclamation of your Executive have been wholly disregarded.

The corporations above named have arranged their tariffs without the slightest apparent regard to the classification and rates prescribed in the law, and prepared and published by the Board of Railroad Commissioners. In many cases they have even increased their rates for transportation of freight above what they were when the law was enacted and became of binding obligation. They have issued commands to their agents and employes, requiring of them a like obedience, under pains and penalties which, in many cases, practically amount to compulsion; thus using their influence and power to insure the criminal disobedience of many citizens, habituating them to a contempt for the authority of the state, when its laws are not in harmony with a supposed self-interest, and hence contributing in a high degree to weaken the respect for law in general. They are now exacting and receiving rates which the legislature, after much consideration, and the patient hearing of able counsel and officers representing their interests, has, in effect, solemnly declared unreasonable, unjust and extortionate, and they boldly proclaim to the authorities and people of the state, and to the world, that they will continue so to do, any law of the state, not approved by them, to the contrary notwithstanding. In a word, they have set up another law than that of the state, and have made obedience to it the supreme duty of all their corporate servants and the present necessity of the whole people.

No objection is made to any just contest upon the validity of the law. The courts of this state are open to every suitor, and the cause of every defendant will be heard with impartiality and decided upon principles of justice

Indeed, the state has already instituted, and will urge to the speediest possible issue, suits in the Supreme Court, involving the validity of the law. But, for the meantime, or until the law is amended or repealed, it is sufficient for your Executive, and should be enough for every corporation and every citizen, that the principle upon which it rests has been affirmed by the supreme courts of the state and of the United States, as well as by very many of the ablest jurists in the country, and that the statute itself has been in due form enacted and approved, and is the law of the land.

If other motives were needed to insure obedience to its mandates it might easily be found in the fact that the law had its origin in a deep conviction, widely felt, that the railway corporations of the state, although the recipients of great gifts and franchises, have, in many instances, exacted excessive tolls and made unjust discriminations, to the injury of citizens and the enrichment of directors and managers, if not of stockholders; and that the very powers conferred upon them for the public good, as well as for their corporate advantage, have been systematically exercised to prevent the enactment of just laws for the redress of these grievances.

However this may be, it cannot be suffered that the charge of unreasonableness made by those whom the law seeks to restrain from extorting excessive rates, shall so far arraign its justice as to suspend its operation until, by the tedious processes of the courts, delayed by appeals and every possible legal artifice, its validity is at length fully determined. Submission like this on the part of the Executive and people would result in a continuance of extortionate gains by the corporations, and perhaps yet greater sacrifice by the people for years to come. Nor is this all. The delay being granted, what guaranty is to be found in the present attitude of these great corporations that they would yield a willing obedience in the event of an affirmative decision by the courts? If they have become so strong and independent of the state that the legislature cannot be sure of their obedience until its enactments are first approved by the courts, is it certain that even the courts will be able to effect a peaceable compliance? It cannot be suffered that any law, which the legislature has enacted and the Executive approved, shall be put in abeyance and treated with open disobedience and flagrant contempt by any person, corporation, or combination of corporations, on the plea of unreasonableness, or upon any plea whatever. Such a sufferance would tend to a subversion of all legal authority.

Fellow Citizens: The foregoing facts and considerations can lead but to one conclusion. As stated in my annual message,

"It must be admitted that railroad companies are necessary to the prosperity and development of the state, and that in the discharge of their honorable obligations to the public, they are entitled to the gratitude and positive and uniform protection of the legislative authority. In this matter the people will make no peace with their enemies, but they seek no war with friends. While they are willing to encourage, to the fullest extent, the developement of the railway system of our state, they cannot submit to manifest injustice, nor permit the abuse of chartered privileges."

The law must, therefore, be enforced, and with a rigor duly proportioned to the power and defiance of the offenders.

It is for this reason, and because of the general misapprehension that exists as to the steps necessary to the enforcement, that I have felt it my solemn duty, after reasonable delay and the accumulation of evidence, to follow my proclamation with this plain and fuller statement of the whole case in its present aspect; setting forth the nature and enormity of this conspiracy against the law, and the danger it threatens to our fee institutions, and the imperative duty of every citizen to lend his aid in putting it down.

The law clearly defines the obligations of the railway corporations, and provides ample remedies for its violation. But the legislature, anticipating no such extraordinary and flagrant violation and contempt of its statutes, has made no provision to enable either the Executive or the Railroad Commissioners to meet the emergency with extraordinary means. It is simply provided that every infraction should be punished by the ordinary means of prosecuting to conviction and punishment by fine and damages, every offender. It is naturally assumed that the people, who had so repeatedly made the charge of extortion and oppression, only waited for an opportunity to apply the remedy

for their grievances; that they were prepared for a prompt discharge of the patriotic duty of co-operating with the public authorities for a vindication of the sovereignty of the state, and for the enforcement of a law by themselves declared to be essential to the general welfare. And hence, although ample facilities are afforded for the convenient trial of offenders by giving to justices of the peace concurrent jurisdiction with the circuit courts, yet, as in other actions of a criminal nature, *no prosecution can originate otherwise than in complaint made by the injured party or some other person having knowledge of the offense.*

With the usual cheerful obedience given to the laws, a few applications of this remedy would induce a general acquiescence. But if the aggregate wealth of great corporations is to support an organized and general defiance of law, the only means provided must be cordially employed by all good citizens, and your Executive sustained by the hearty co-operation of subordinate officials.

I cannot doubt that this support and co-operation will be accorded, when the whole case is fully understood. The interests at stake are too vast and too vital to admit of any other conclusion. For it will then be seen, not only that this particular law, framed by a legislature of your own choosing, enacted in your interest, and in obedience to your own express command, is disregarded and contemned, but that the very idea and principle of law, and a just sense of the duty of obedience to the constituted authorities, would be clouded and imperilled by a neglect promptly to meet, rebuke and punish such defiance of the popular will. It will also be seen that the people are dealing with a powerful and dangerous combination, which holds itself above the law, and seeks to make its own sanction superior to the sanction of any statute—that it is not the *form* and *terms* of *this* law upon which issue is taken, but that these corporations deny the *principle* that a railway, though built with the public consent, for a public use, and in part with the aid of public gifts, and chartered under a constitution which expressly reserves to the people the right of general control, can, for any purpose, in any way, be limited as to its tolls by regulations other than those of its own corporators.

Believing, then, that to the authority of the state and to the support of the public officers in their efforts to curb and restrain the threatening powers of the great bodies which now boldly defy them, you will bring promptly and manfully all the aid and co-operation which every citizen owes to the state in any time of peril to her institutions, her authority, or her laws, and being deeply sensible of the obligations resting upon me to avert, if possible, the danger now impending, I call upon and enjoin every citizen of this state to observe with scrupulous care the requirements of the law herein referred to, in every instance and particular of business dealings with any railroad company of this state, especially the companies herein named; to pay as a traveler no higher fare than the law prescribes; to pay as a shipper or receiver of freights no higher rates than the law prescribes, all which rates the Railroad Commissioners have fixed and published; and that if in any exigency or necessity he should suffer any sum in excess of legal rates to be extorted from him by any agent of any such company, he notify, with all convenient dispatch, the district attorney of his county of such violation of law.

I also request and enjoin all district attorneys promptly and vigorously to prosecute to conviction and punishment all offenders against said law.

I further enjoin all constables and police officers within this state, to inquire of all such offences, and to complain against the offenders before some justice of the peace, and diligently to take care that this law be not violated in their own precincts with impunity.

Printed forms and instructions for the prosecution of such actions will be promptly furnished, on the request of any officer of the law, made to the Attorney General, at Madison.

In the possible contingency of a sufficient resistance to the local authorities to require the interference of the Executive, the guarantees contained in my proclamation of May 1st, can be relied on with the utmost confidence.

WM. R. TAYLOR,
Governor of Wisconsin.

OPINION OF ATTORNEY GENERAL SLOAN.

To His Excellency, WILLIAM R. TAYLOR, *Governor of the State of Wisconsin* :

SIR:—In pursuance of your request, I submit the following opinion :

The legislature of the state of Wisconsin, at its last annual session passed "an act relating to railroads, express and telegraph companies in the state of Wisconsin," being chapter 278, and which took effect on the 28th day of April, 1874.

This act classified all the railroads of the state, fixed and limited the compensation to be charged for the transportation of freight and passengers thereon, and provided for the appointment of three railroad commissioners with the powers and duties therein prescribed.

The question submitted to this office, is as to the constitutionality and validity of this enactment.

The constitution of the state provides, Art. XI, § 1, "that corporations may be formed under general laws, but shall not be created by a special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporations cannot be attained under general laws. All general laws or special acts enacted under the provisions of this section may be altered or repealed by the legislature at any time after their passage."

It seems to be conceded on all sides that the railroads of this state take and hold their franchises subject to this reserved power of alteration and repeal; but the precise meaning of the reservation, and what, if any limits shall be applied to it, have led to some discussion and difference of opinion.

Since the decision of the Dartmouth College case, in which the supreme court of the United States held that a charter of incorporation was in the nature of a grant, creating a contract, beyond the power of the legislature to impair, many of the states have, by general statutes, special clauses in corporate charters, or by constitutional provisions, sought to re-establish over such corporations the legislative control, which, previous to that decision, was supposed to exist. And any construction which so limits this reservation of power, as to deprive the legislature of all supervision over, or right to regulate, the exercise of the franchise, would fall far short of the evident intention of its enactment, and of the remedy which it was designed to afford, against the encroachments of powerful corporations. This intent is well expressed in the case of *Tomlinson v. Jessup*, 15 Wall., p. 454, in which Justice Field, delivering the opinion of the court says, "the object of the reservation and of similar reservations is to prevent a grant of corporate rights and privileges in a form which will preclude legislative interference with their exercise, if the public interest should at any time require such interference; it is a provision intended to preserve to the state, the control over its contract with the corporations, which, without that provision would be irrevocable, and protected from any measures affecting its obligation."

The courts of our own state have had frequent occasion to refer to this constitutional provision, and while they have not passed upon the direct question now presented, have expressed an opinion as to the purpose of its adoption and of its scope and effect.

In the *Madison, Watertown & Milwaukee Plankroad Co. v. Reynolds*, 3 Wis., p. 287, there was an amendment of a territorial charter, affecting the rate of toll which might be charged by the plankroad company, and the point raised was that the act of incorporation was a contract under which the company invested its money, in consideration of the tolls it was authorized to receive, and that the legislature could not amend the charter by reducing such tolls, and thus take away a portion of the property of the company. Chief Justice Whiton, after discussing the question under the territorial laws, quotes Art. XI of our state constitution, and remarks, "this provision may obviate the necessity of the consideration of questions like the one before us, in all cases where the corporation is created by the state," a singularly mistaken idea, if it be indeed true that the provision reserves no power of alteration to

the legislature, and could not prevent the future consideration of such questions.

So in the case of *Pratt v. Brown*, 8 Wis., p. 603, Mr. Justice Smith, after referring to the doctrine established in the Dartmouth College case, proceeds to say, "it is competent, nevertheless, for each state by constitutional regulation or specific legislative enactment, to reserve the power to modify or repeal all such acts of incorporation, where the power of modification or repeal is reserved, either in the one mode or the other; it is obvious that the grantees must rely for the perpetuity and integrity of the franchise granted to them, solely upon the faith of the sovereign grantor * * and all such corporations now rest upon the faith of the state, taking care to deserve its favor or command its justice by observing strictly the limits of their powers and accomplishing by all legitimate means the objects of their creation."

And in *Nasro v. Merchants' Ins. Co.*, 14 Wis., p. 295, Chief Justice Dixon, in discussing an amendment to the charter of the defendant company, authorizing the trustees to adopt a new mode of insurance, makes use of this language: "This is a grant to the trustees of new and distinct powers, such as they could not before have exercised, either as a matter of corporate authority, or of legal or constitutional right as between themselves or the corporation and stockholders. The latter might have objected to it as a violation of the contract under which they became members of the company. But for the reserved power of the legislature to alter or repeal the charter, this objection would be still open to them."

And in *Chapin and another v. Crusen and another*, 31 Wis., p. 200, Mr. Justice Lyon, in discussing the power of the legislature to repeal the grant of a ferry franchise before the expiration of the time for which it was to continue by the original act, and to confer the franchise upon another person, holds that such power existed as to an individual, because the grant did not amount to a contract; and he adds: "These views may perhaps be strengthened by the provisions of the constitution, Art. XI, Sec. 1, which give the legislature power to alter or repeal the charter of corporations created by it. Had this franchise been conferred on such a corporation, there can be no doubt that the legislature might take it away."

These citations sufficiently show the opinions entertained by the courts of our own state, as to the design and extent of the reservation, and seem to warrant the conclusion that there can be no such limitation of the power as is now claimed for it, or that can affect the validity of the law under consideration; and the adjudications in the courts of other states, and of the supreme court of the United States, are in entire harmony with our own, and abundantly sustain the legislation of last session and its constitutional validity.

The case of *McLaren v. Pennington*, 1 Paige, ch. p. 102, was where the legislature of New Jersey had incorporated a bank to continue not exceeding twenty-one years, with a proviso that it should be lawful for the legislature at any time to repeal the charter. As a consideration for the charter, the sum of \$25,000 was to be paid by the bank to the treasurer of the state. The bank was organized in June; it paid into the treasury of the state the \$25,000, and commenced operations. In the November following the legislature repealed the act of incorporation, and the court held, Chancellor Walworth delivering the opinion, not only that the power to repeal existed under the reservation, but that the court would not presume it to have been improperly exercised.

The case of *Orease v. Babcock*, 23 Pick. p. 834, was where a bank of which the defendant was a stockholder had been incorporated and with power to repeal reserved only in case of some violation of the charter or other default. In that state stockholders were only liable individually, on the expiration of the charter, and the defendant insisted that under the clause reserving the right to repeal the charter, the default of the bank must first be ascertained and determined by the courts, and that until that were done, the legislature could not exercise the power of repeal. But the court held that the acceptance of the charter made a compact under which the legislature could repeal "and the grantees could have no reason to complain of the execution of their own contract." The court also held that they would presume that the contingency upon which the right to repeal depended, had happened.

Suydam v. Moore, 8 Barbour, p. 588, was the case of an amendment or rather an act imposing additional obligations upon railroads as to cattle guards, and the court held that the right to legislate in that respect existed, and that the policy of the enactment could not be questioned in the courts.

The Northern Railroad Co. v. Miller, 10 Barbour, p. 260, was an action to enforce payment of stock subscribed by the defendant, and resisted on the ground that the legislature had amended the charter of the company. The court held that the power to amend existed, and that the individual, by subscribing for the stock "stipulates that the legislature may alter or repeal the law, and thus change the obligation or defeat it altogether."

In *Perrin v. Oliver*, 1 Minn., p. 202, the court decided that an act granting a ferry franchise two miles in extent could be altered by the legislature and reduced to one-fourth of a mile, under the reserved power to amend or repeal.

And so in the Erie railroad cases, 26 and 27 Penn., the court held that the language of the reservation was to be construed strongly in favor of the state, and that under it the legislature had the right summarily to repeal the charter of the Erie railroad.

In *the matter of the Reciprocity Bank*, 22 N. Y., p. 9, the charter of the bank was amended by imposing an individual liability on the stockholders, not provided for by the original charter, and the Court of Appeals held that by the reserved power, as a part of the contract, the state could amend the charter at will, reaffirming the matter of the Olive Lee Bank, 21 N. Y., p. 9. This last case was appealed to the Supreme Court of the United States, and is reported in 1 Black, p. 587. The general banking law, under which this bank was organized, provided in express terms that no shareholder should be individually liable for any contract, debt or engagement of the corporation, and the articles of association contained a similar clause. The law also provided that the legislature might at any time alter or repeal the act. The plaintiff, Sherman, became a stockholder, and subsequently the legislature passed an act making shareholders personally liable for the debts of the association. The question raised, was whether the last act was in conflict with the constitution of the United States, which forbids a state to make any law impairing the obligation of contracts. All the courts of New York held that it was not, and the Supreme Court of the United States affirmed the decision, Mr. Justice Nelson remarking: "Now the 82d section, which reserved to the legislature the power to alter or repeal the act, by necessary construction reserved the power to alter or repeal all or any one of these terms and conditions or rules of liability prescribed in the act; the articles of association are dependent upon and become a part of, the law under which the bank was organized, and subject to alterations or repeal, the same as any other part of the general system."

In the Penn. College cases, 18 Wall., p. 190, Mr. Justice Clifford uses this language: "Charters of private corporations are regarded as executed contracts between the government and the corporators, and the rule is well settled that the legislature cannot repeal, impair or alter such a charter against the consent, or without the default of the corporation, judicially ascertained and declared. Of course these remarks apply only to acts of incorporation which do not contain any reservations or provisions annexing conditions to the charter, modifying and limiting the nature of the contract. Cases often arise where the legislature, in granting an act of incorporation for a private purpose, either make the duration of the charter conditional, or reserve to the state the power to alter, modify or repeal the same at pleasure. Where such a provision is incorporated in the charter it is clear that it qualifies the grant, and that subsequent exercise of that reserved power, cannot be regarded as an act within the prohibition of the constitution."

In the case of *Tomlinson v. Jessup*, 15 Wall., p. 454, the Northeastern Railroad Company was incorporated in 1851 by the legislature of the state of North Carolina. At that time there was a general law of the state, passed in 1841, providing that the charter of every corporation should be subject to amendment, alteration or repeal by the legislature. In 1855 an act was passed by which the stock of the company and its real estate should be exempted from taxation, during the continuance of the charter, which was for the term of fifty years. In 1868 a constitution was adopted, in which it was provided that the property of all corporations should be subject to taxation. Jessup,

a stockholder in the road, filed a bill to restrain the state officers from levying a tax on the property of the road. The court held that the reservation of the power, to alter, contained in the law of 1841 affected the entire relation between the state and corporation, and placed under legislative control all rights, privileges and immunities derived by the charter from the state, and Mr. Justice Field, in delivering the opinion of the court, uses this language: "It is true that the charter of the company, when accepted by the corporators, constituted a contract between them and the state, and that the amendment, when accepted, formed a part of the contract from that date, and was of the same obligatory character, and it may be equally true, as stated by counsel, that the exemption from taxation added greatly to the value of the stock of the company and induced the plaintiff to purchase the shares held by him, but these considerations cannot be allowed any weight in determining the validity of the subsequent taxation. The power reserved in the state by the law of 1841, authorized any change in the contract as it originally existed, or as subsequently modified, or its entire revocation. The original corporators or subsequent stockholders took their interests with knowledge of the existence of this power and of the possibility of its exercise at any time in the discretion of the legislature."

The case of *Miller v. State*, 15 Wall., p. 478, was where a railroad company was organized under the general laws of the state of New York, whose constitution had a similar clause to our own, as to alteration and repeal. By the original charter of the company a capital of \$800,000 was provided for, to build a road fifty miles in length. The city of Rochester was authorized by law to subscribe for \$300,000 of the capital stock, and was to have the right, by the act of the legislature, to appoint four out of the thirteen directors of the company. All but 18 miles of the road was abandoned, and the legislature afterwards passed an act, authorizing the city of Rochester to appoint seven directors, that being a majority of the whole number, and this last act was assailed as impairing the obligations of contracts. The courts of New York held the act constitutional, and the Supreme Court of the United States affirmed the decision, citing and approving the language above quoted from 18 Wallace.

These cases have been cited with some particularity of detail, because they construe and apply this reservation of power to a variety of cases, and seem to cover and meet, to a great degree, all the objections which have been urged against the validity of the law under consideration. Other similar cases might be added, and the elementary writers cited as being in accord with the doctrine of these decisions, but the opinion of Chancellor Kent will only be given as expressed in his Commentaries. Vol. 2, page 396, he says: "and though the validity of the alteration or repeal of a charter in consequence of such a reservation may not be legally questionable, yet it may become a matter of serious consideration in many cases, how far the exercise of such a power could be consistent with justice or policy. If a charter be granted and accepted with that reservation, there seems to be no ground to question the validity and efficiency of the reservation."

To this should perhaps be added the case of *Olcott v. Supervisors of Fond du Lac County*, 16 Wall., p. 694, which, while not turning on the construction or effect of the reserved power of alteration or repeal, yet is referred to in this emphatic language: "That the legislature of Wisconsin may alter or repeal the charter granted to the Sheboygan & Fond du Lac Railroad Company is certain. This is a power reserved by the constitution. The railroad can therefore be controlled and regulated by the state, its use can be defined, its tolls and rates for transportation may be limited"—precisely what chapter 273 undertakes to do, and which the supreme court of the United States declares may be done, and done under and by virtue of the constitutional reservation.

It is, I understand, conceded by all who have given opinions hostile to this legislation, that, by virtue of the constitutional reservation, all acts of incorporation may be absolutely repealed, and the corporations created by them dissolved. If the legislature can thus wholly destroy every corporation it has created, and compel a total surrender of all franchises and privileges, and of all power to transact business, except such as may be necessary to convert its property into money and wind up its affairs, it seems difficult to

urge any valid reason against legislation which merely limits the corporate power and restricts the privilege of charging higher rates for transportation than the legislature may deem just and equitable. But it is now claimed by those who propose to disregard the law of 1874, that, although the power reserved in the constitution to alter all acts creating corporations is in terms unlimited, this reserved power is still subject to certain latent limitations which it is the duty of the courts to recognize and define; that among the latent limitations one is to be found or created which prevents the legislature from reducing the charges for transporting passengers and freight below a reasonable compensation.

¶ The result of this doctrine would be practically to repeal the constitution of the state, so far as this clause is concerned, and to restore to corporations in this vital particular that exemption from legislative control secured to them by the Dartmouth College decision, and to guard against which the clause was incorporated into the constitution of the state.

The power to alter is given, by the constitution, just as clearly as the power to repeal, and it is difficult to see why a limitation cannot as well be applied to the one as to the other. If the state may take away the franchise entirely, why may it not so regulate and control its exercise as to further the public purpose for which it was bestowed. Ordinarily the greater includes the less; here the lesser power is given in express terms. The legislature may "alter," and this word must be given some signification different in sense or in degree from the power to repeal. It cannot be said to apply to the right of taxation and police regulation, for these are inherent in the state, applicable alike to individuals and corporations, in no way dependent on the clause of the constitution referred to. It must mean that the legislature may in its discretion, instead of taking the extreme and severe measure of repeal, exercise the lesser and milder right, and impose such restrictions and conditions upon the conduct of the affairs of the corporation, and so limit its charges as will best promote the object of its creation and prevent the abuse of the powers and privileges granted to it.

The corporations cannot justly complain of this. They have accepted their charters subject to this express reservation, and having so accepted, they hold them upon the faith of the state only, taking care to deserve its favor or command its justice by the manner in which they exercise the power conferred. If a wrong is done or a mistake made in the exercise of the reserved power, the aggrieved party must resort to the legislature for redress. This was the agreement created by the acceptance of the charter and the application for relief must be made to the tribunal selected by the contracting parties. The courts cannot interfere, for, says Chancellor Kent, "the legality of the reservation cannot be questioned." Should the legislature refuse or fail to correct the wrong, no worse results could ensue to the corporation than would have followed from absolute repeal. But it is hardly to be supposed that the legislature would fail to respond to any application founded in justice. The people cannot fail to appreciate the necessity of railroads to the business and industrial interests of the state and to the convenience and prosperity of all its citizens. They do not desire any unwilling or uncompensated service from the railroads, nor will they consent that the state should be placed in a condition of servitude to the corporations."

But if this limitation, that the rates fixed by the legislature must be reasonable, exist at all, it arises, not from the reservation of its construction, but rather out of the common law rule that in the absence of any legislative enactment on the subject, common carriers are bound to carry all freight and passengers which are offered at reasonable rates, and cannot discriminate unjustly between shippers. In my judgment it is impracticable to apply this common law rule to railroad corporations, as a substitute for legislative control and regulation.

The use of railroads has increased the business of transporting freight and passengers to immense proportions: it has brought about great and radical changes in the commerce and business of the country; it has created new and diverted old channels of trade, built cities and formed states. The gigantic corporations controlling the railroads of the country, with their great wealth and influence are practically placed beyond the reach of the common law obligation, and this warrants the position that legislative control ought to be

and is put in the place of this common law liability of common carriers. Besides, a suit by the individual to enforce the common law liability settles nothing. No general rule can be established in a single suit, while such a suit would involve an inquiry and determination of the cost of the road and its equipment, the operating expenses, the amount and character of the business, and the whole detail of the condition, management and relative cost of everything connected with the road. When this is done the reasonableness of the charge in every other instance remains open to be litigated at such an expenditure of time and money as to deter individuals from entering such a field of hopeless litigation.

I am led to the conclusion that the better view is, that the judgment of the legislature is by the reservation of power, and the necessities of the case, the measure of the reasonableness of the regulation imposed. The corporation certainly cannot arbitrarily determine the question, and on the assumption that the rates are unreasonable disregard the law. The legislative act is conclusive that the rate is reasonable. The exercise of the power is of itself an assertion of its justice and of its necessity. The railroads cannot question it; the courts may not review it, for by the agreement of the parties in accepting the charters under the reservation, the whole subject is withdrawn from the domain of judicial decision and remains only a matter for the legislative conscience.

And so with the objection that the provisions of this law assume control of the property of the corporation, and deprives them of its use without making any compensation, and is, therefore, in conflict with the constitution of the state and of the United States.

As these corporations have no natural existence, but are created wholly by legislative enactments, their power to act, in every particular, is derived from the state; their capacity to make contracts, acquire and use property, and to charge for its use comes from the state, and is granted on such terms and to such extent as the legislature may prescribe; the power of the state to grant is given by the constitution and coupled with this power is found in the same fundamental law, the authority to alter the act of incorporation as the legislature may think the public interests demand. The rights and privileges conferred cannot be separated from the restrictions and duties imposed. The power to take toll cannot be distinguished from the duty to take only such as the legislature shall establish. It is difficult to see how restricting these tolls within certain limits which the legislature deems just, is any more depriving the corporations of their property than it would be to repeal their charters and thus deprive them of the power of charging any rates at all, and this latter power may confessedly be exercised without making compensation. Whether the state can compel the companies to operate their roads for such compensation as it chooses to prescribe, is another and different question, not involved in this discussion. The only inquiry, while companies are violating the law by charging higher rates than it allows is, as to the power of the legislature to prohibit them from charging above certain fixed rates.

If it shall be made to appear that the companies cannot operate their roads except at a loss under the rates fixed by the law, the remedy is not in an attitude of open hostility to the law, but in an application to the legislature for its modification. As suggested in relation to the other objection, this is the forum which the constitution has provided for the determination of that question, and in accepting the charters, the companies assented to be governed and bound by the legislative sense of justice. This sense of justice will undoubtedly coincide with the mutual interest of the people and of the railroad companies. These interests demand, with a force almost equal to the provisions of positive law, that remunerative rates shall be allowed for the services of these corporations; but as a mere question of legal right, full power has been reserved by the constitution, in the language of *Olcott v. Supervisors, supra*, to alter or repeal the charters of these corporations, and the roads can therefore be controlled and regulated by the state; their use can be defined and their tolls and rates for transportation limited.

But it is also claimed that the reserved power to interfere is confined to contracts made by the state with the corporation, and can have no application to such as are made by the companies with *bona fide* creditors. The latter are said to be within the protection of the constitution of the United

States, which prohibits the passage of any law impairing the obligation of contracts.

The views already expressed apply somewhat to this objection, but the direct and obvious answer is that the creditor contracts with the corporation precisely as the corporation contracts with the state, and both must take notice of, and are bound by the conditions and reservations in the charter.

The courts will read the contract with the creditor, as if the legislative conditions were printed therein in full. The charter is granted by the state and accepted by the corporation, and the creditor contracts with it subject to the power of the grantor to alter or impair the obligation. No right can vest, for it is agreed by both the grantee and the creditor that none shall vest. The creditor makes his investment *cum onere*, and cannot complain that the alteration of the charter impairs his obligation, because by its terms it admits of the very alteration imposed. It may be folly for the creditor to invest, in view of this possible interference, but he assents to the terms and takes the risk of just such interference. The creditor gains no right which the company did not possess, and the state surrenders none of the power it had reserved. A mortgagee stands in no different relation in this respect, than any other creditor. The extent of the mortgage lien is to be measured by the interest of the mortgagor in the property to which the lien attaches, and the courts will not by construction so enlarge the lien as to relive it from the burdens or restrictions to which it is subject, much less will they give to the mortgage such sancity and force as to repeal a fundamental law of the state, or essentially change its meaning and intent.

The examination of these questions and the principles governing them might be further extended, but it seems hardly necessary. The conclusion reached is that said chapter 273 is not obnoxious to any of the objections urged against it, but is a constitutional enactment, and as such entitled to obedience.

A. SCOTT SLOAN.

Attorney General.

APPLICATION OF THE ATTORNEY GENERAL.

THE STATE OF WISCONSIN vs. THE CHICAGO AND NORTHWESTERN RAILWAY Co.,

In Quo Warranto.

To the Supreme Court of the state of Wisconsin.

The Attorney General of the state of Wisconsin respectfully shows that the Chicago and Northwestern Railway Company is a corporation other than municipal, duly created and organized by the laws of the state of Wisconsin, that the said company on the first day of January 1874, owned and operated about five hundred and sixty six miles of railroad within the said state of Wisconsin, and ever since that time has used, managed and operated the same in the transportation of freight and passengers upon its said railroad.

And your petitioner further shows, that the legislature of the state of Wisconsin at its annual session in the year 1874, duly passed an act entitled an act relating to Railroads, express and telegraph companies in the state of Wisconsin, approved March 11, 1874, and being chapter 273 of the laws of said year 1874, that said act was duly published on the 28th day of April 1874; and took effect on that day.

That in and by the provisions of said act among other things all the railroads of the state, were divided into classes; all freights thereafter transported upon said railroads or any part thereof were classified, and the compensation

to be charged and received by said railroads, for the transportation of freights and passengers over their respective roads fixed and limited as therein prescribed.

And your petitioner further shows upon information and belief that the classification of said railroad, and freights, and the rates of compensation for the transportation of freight and passengers upon said roads, as fixed and established by said chapter 273 are just and reasonable and within the proper exercise of the legislative power.

And your petitioner further shows, that the said Chicago & Northwestern Railway Company, on the 29th day of April, 1874, filed in the office of the governor of the state of Wisconsin a communication, in writing, signed by the president, Albert Keep, in which, among other things, it announced that compliance with said act would be ruinous to said company, and intimated its purpose to disregard the provisions of said chapter 273 so far as the same attempts to fix rates of compensation for freights and passengers, and to manage and operate its railroads within the state of Wisconsin without regard to its requirements.

And your petitioner further shows, on information and belief, that the said Chicago & Northwestern Railway Company has adopted and issued a tariff of rates for freight between local stations on their road within the state, and a tariff of rates for freight and passengers transported over its road within said state of Wisconsin, and a classification of freight; all of which are in disregard of the rates and classifications fixed by said chapter 273, and contrary to the requirements of said chapter.

That said railroad company has also issued to their agents and servants instructions to charge, demand and receive of all persons passing over their road, or shipping freight thereon, the rates and compensation set forth and adopted in the several tariffs and schedules so issued by said company.

And your petitioner further shows, that the classification, rates and compensation so adopted by said company, are different and higher and greater than those fixed and authorized by said chapter 273, and are in no respect in conformity therewith, but are unjust, unreasonable and oppressive.

And your petitioner further shows, on information and belief, and so charges the fact to be, that the said Chicago & Northwestern Railway Company has, ever since the 29th day of April, 1874, used and operated its said road within the state of Wisconsin in entire disregard of the provisions of said chapter 273, and is daily and habitually charging and receiving greater and higher rates of compensation for the transportation of freight and passengers upon their said road within this state than are fixed, established and allowed by said chapter 273, and that said rates and compensation are so charged and received by said railroad company as aforesaid for carrying freights which does not come from beyond the boundaries of the state, and to be carried across or through the same.

And your petitioner further shows that on the ninth day of May, 1874, the said Chicago and Northwestern Railway Company charged and received of E. B. Dean, of the city of Madison, the sum of one dollar and five cents for a ticket over its road from Madison to Merrimac in the state of Wisconsin, the distance being twenty-six miles, and on the same day charged and received of the said Dean the sum of \$1.05 for carrying him over their road from Merrimac to Madison; aforesaid, which said sums were higher and greater than the sum and rate fixed for said service by said chapter 273, and were unreasonable and extortionate.

And your petitioner further shows that on the eighth day of May, 1874, the said railway company charged and received of Andrew R. Mosher, of the city of Madison, the sum of one dollar and ninety cents for a ticket over its road from Madison to Beloit in the state of Wisconsin; that the distance between said places is forty-seven miles; that said Mosher applied to the agent of said company at Madison to check his trunk to Beloit, and that said agent refused until he purchased a ticket, and that on applying for such ticket the said sum of \$1.90 was demanded and received by said agent, and that said Mosher paid the same under protest; that said sum so charged and received was a greater and higher sum than that fixed and allowed by said chapter 273, and was unreasonable and extortionate, and that the refusal of said company to check his baggage was unjust and unreasonable, and was

done in furtherance of a purpose to compel said Mosher to pay more than the rates allowed by law.

That the said Chicago and Northwestern Railway Company has, by the several acts, omissions and things herein charged and set forth, violated the provisions of the said chapter 273, and the laws of the state of Wisconsin, by abuse of its power, and has offended against the provisions of the several acts creating and altering such corporation, and has exercised privileges and franchises not conferred upon it by law, and has thereby forfeited its privileges, franchises and charter as a corporation.

That your petitioner has reason to believe that the several acts, omissions and things as herein alleged and set forth, and divers other particulars and specific violations of the provisions of said chapter 273 and of the laws of the state to remedies to be herein specified and set forth, can be established by proof.

And he therefore asks leave to bring an action in the nature of a *quo warranto*, in the name of the state of Wisconsin, in the supreme court of the said state, against the said Chicago and Northwestern Railway Company, for the purpose of vacating the charter and annulling the existence of said corporation.

Dated Madison, May 13, 1874.

A. SCOTT SLOAN,
Atty. General.

STATE OF WISCONSIN—*County of Dana.*

A. Scott Sloan being duly sworn, says that he has read the foregoing petition by him inscribed, and that the same is true to his own knowledge except as to the matters therein stated on information and belief, and as to those matters, he believes it to be true.

A. SCOTT SLOAN.

Subscribed and sworn to before me, May 16, 1874.

L. F. KELLOGG,
Clerk Sup. Court, Wis.

ORDER OF THE COURT.

State of Wisconsin—Supreme Court.

THE STATE OF WISCONSIN vs. THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

On reading and filing the petition of A. Scott Sloan, Attorney General of the State of Wisconsin, it is ordered that leave be, and the same is hereby granted to the Attorney General to bring an action in the nature of a *quo warranto*, in the supreme court, in the name of the state of Wisconsin, against the Chicago and Northwestern Railway Company, a corporation other than municipal, created and existing under and by virtue of the laws of the state of Wisconsin for the purpose of vacating the charter and annulling the existence of said corporation as prayed for in said petition.

PETITION OF THE ATTORNEY GENERAL.*In Supreme Court.***THE STATE OF WISCONSIN VS. THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY.**

The above named plaintiff, the state of Wisconsin, by A. Scott Sloan, Attorney General of said state of Wisconsin, by leave of the court for that purpose first duly had and obtained, complains of the above named defendant, the Chicago and Northwestern Railway Company, and informs the court and shows and alleges that the said Chicago and Northwestern Railway Company is a corporation duly created, organized and existing under and by virtue of the laws of the state of Wisconsin.

That the said Chicago and Northwestern Railway Company was incorporated by an act of the legislature of the territory of Wisconsin, entitled an act to incorporate the Madison and Beloit Railroad Company, approved August 19, 1848, and an act of the legislature of the state of Wisconsin, entitled an act to amend an act entitled an act to incorporate the Madison and Beloit Railroad Company, approved February 9, 1850, and the acts amendatory of the aforesaid acts and supplementary thereto.

That by an act of the legislature of the state of Wisconsin, entitled an act to authorize the railroad companies therein named to consolidate their capital stock, approved March 10, 1855, the said railroad was authorized by the board of directors to select, choose and nominate for itself any name that a majority of the directors might deem fit, and that subsequently a majority of the said directors did duly select, choose and nominate the name of the Chicago and Northwestern Railway for said company defendant.

That the said defendant on the first day of January, 1874, owned and operated about five hundred miles of railroad within the said state of Wisconsin, and ever since that time has managed and operated the same in the transportation of freight and passengers upon its said railroad.

And the plaintiff further shows that the legislature of the state of Wisconsin at its annual session in the year 1874, duly passed an act entitled "an act relating to railroads, express and telegraph companies in the state of Wisconsin, approved March 11, 1874. That the said act was duly published on the 28th day of April, 1874, and took effect on said last mentioned day.

That in and by the provisions of said act among other things, all the railroads of the state were divided into classes; all freights to be transported upon said railroads or any part thereof after the passage of said last mentioned act were classified and the compensation to be charged and received by the companies owning, managing and operating said railroads for the transportation of freights and passengers over their respective roads fixed and limited as therein prescribed.

And the plaintiff further informs the court and shows that the said defendant, the Chicago and Northwestern Railway Company, on the 29th day of April, 1874, filed in the office of the governor of the state of Wisconsin, a communication in writing, signed by its president, Albert Keep, in which among other things, it announced its intention to disregard the provisions of said chapter 273, so far as the same attempts to fix rates of compensation for the transportation of freight and passengers, and to manage and operate its railroad within the state of Wisconsin without regard to the requirements of said act of the legislature.

And the plaintiff further informs the court and shows upon information and belief that the said defendant has adopted and issued a tariff of rates for freights between local stations within the state, and a tariff rates for freights and passengers transported over its roads within said state of Wisconsin, and a classification of freights, each and all of which are in disregard of the classification and rates fixed by said last mentioned act of the legislature and contrary to the requirements of the same.

That said defendant has also issued to its agents and servants' instructions to charge, demand and receive of all persons passing over their road or shipping freights thereon, the rate and compensation therefor on the several tariffs and schedules so issued by said defendant, which said last mentioned rates and compensation are different and higher and greater than those fixed, limited and authorized by said last mentioned act of the legislature, and that the said defendants, its agents and servants, have, during all the time since the said 28th day of April, 1874, charged, demanded and received of persons carried on their said railroad and of persons shipping freights thereon, to be carried between places within this state, rates and compensations therefor greater and higher than those fixed and authorized by said last mentioned act of the legislature.

And the plaintiff further shows, upon information and belief, and so alleges the facts to be, that said defendant has ever since the said 28th day of April, 1874, used and operated its railroad within the state of Wisconsin in entire disregard and violation of the provisions of said last mentioned act of the legislature, and has been and is daily and habitually charging and receiving greater and higher rates and compensations for the transportation of freights and passengers upon its said railroad within this state than are fixed, established and allowed by said last mentioned act of the legislature; and that said rates are so charged and received by said defendant as aforesaid for carrying freights which do not come from beyond the boundaries of the state, to be carried across or through the same.

And the plaintiff further shows, upon information and belief, that on the 9th day of May, 1874, the said defendant charged and received of E. B. Dean, of the city of Madison, the sum of one dollar and five cents for a ticket over its said road from Madison to Merrimac in the state of Wisconsin, the distance between said last mentioned places being twenty-six miles; and on the last mentioned day charged and received of the said Dean the sum of one dollar and five cents for carrying him over their road as a passenger from Merrimac to Madison aforesaid, the distance of twenty-six miles, which sums were respectively higher and greater than the sums and rates fixed for said service respectively by the said last mentioned act of the legislature.

And the plaintiff further shows, upon information and belief, that on the 8th day of May, 1874, the said defendant charged and received of Andrew R. Mosher, of the city of Madison, the sum of one dollar and ninety cents for a ticket over its road from Madison to Beloit in the state of Wisconsin, the distance of forty-seven miles; that said Mosher applied to the agent of said defendant at Madison to check his trunk to Beloit; that said agent refused to do so until the said Mosher paid the sum of one dollar and ninety cents, who paid the sum under protest; that the said sum was so charged and received by said defendant for carrying the said Mosher as a passenger on its railroad from Madison to Beloit, a distance of forty-seven miles, within this state, in violation of the provisions of said last mentioned act of the legislature.

And the plaintiff further shows that the said defendant has, by the several acts, omissions and doings herein charged and set forth, violated the provisions of said act of the legislature, and has offended against the provisions of the same and of the several acts creating and altering said corporations, and has exercised franchises and privileges not conferred upon it by law, and has thereby forfeited its privileges, franchises and charter as a corporation.

Wherefor the plaintiff prays and demands that the charter of the said defendant and the Chicago and Northwestern Railway Company be vacated, the existence of said corporation annulled, and that all the rights, franchises, powers and privileges conferred upon the said defendant, the Chicago and Northwestern Railway Company, by the laws of this state, may be adjudged and declared to be forfeited, and that the said defendant be excluded from all corporate rights and privileges, and that said corporation, the Chicago and Northwestern Railway Company be dissolved, and for the costs of this action.

A. SCOTT SLOAN,
Attorney General.

STATE OF WISCONSIN—*Dane County.*

A. Scott Sloan being duly sworn, says that he is Attorney General of the state of Wisconsin, and that the foregoing complaint is true of his own knowl-

edge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true.

A. SCOTT SLOAN.

Subscribed and sworn to before me this 1st day of June, A. D. 1874.

W. A. P. MORRIS,

Notary Public, Dane County, Wis.

APPLICATION OF THE ATTORNEY GENERAL.

THE STATE OF WISCONSIN vs. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

In Quo Warranto.

To the Supreme Court of Wisconsin—

The Attorney General of the state of Wisconsin respectfully shows, that the Chicago, Milwaukee and St. Paul Railway Company is a corporation, other than municipal, duly created and organized by the laws of the state of Wisconsin, that the said company, on the first day of January, 1874, owned and operated about six hundred miles of railroad within the said state of Wisconsin, and ever since that time has used, managed and operated the same in the transportation of freight and passengers upon its railroad.

And your petitioner further shows, that the legislature of the state of Wisconsin, at its annual session in the year 1874, duly passed an act entitled "an act relating to railroads, express and telegraph companies in the state of Wisconsin," approved March 11, 1874, and being chapter 273 of the laws of said year 1874; that said act was duly published on the 28th day of April, 1874, and took effect on that day.

That in and by the provisions of said act, among other things, all the railroads of the state were divided into classes; all freight thereafter transported upon said railroads, or any part thereof, were classified, and the compensation to be charged and received by said railroads for the transportation of freights and passengers over their respective roads fixed and limited as therein prescribed.

And your petitioner further shows upon information and belief that the classification of said railroads and freights, and the rates of compensation for the transportation of freight and passengers upon said roads, as fixed and established by said chapter 273, are just and reasonable and within the proper exercise of the legislative power.

And your petitioner further shows that the said Chicago Milwaukee and St. Paul Railroad Company on the 29th day of April, 1874, filed in the office of the Governor of the state of Wisconsin, a communication in writing signed by Alexander Mitchell its president, in which among other things it announced its purpose to disregard the provisions of said chapter 273, so far as the same attempts arbitrarily to fix rates of compensation for freights and passengers, and to manage and operate its railroads within the state of Wisconsin without regard to its requirements.

And your petitioner further shows that the said Chicago Milwaukee and St. Paul Railroad Company on or about the 6th day of May, 1874, adopted and issued a tariff for rates for freights between local stations within the state, to take effect on the 8th day of May, 1874, and have also adopted and established a tariff for rates for freight and passengers transported over their roads within said state of Wisconsin, and a classification of freights, all of which are in disregard of the rates and classifications fixed by said chapter 273, and contrary to the requirements of said chapter that the said Railroad Company have also issued to their agents and servants instructions to charge demand and receive of all persons passing over their road, or shipping

freight thereon the rates and compensations set forth and adopted in the several tariffs and schedules so issued by said company.

And your petitioner further shows, that the classification rates and compensation so adopted by said company are different and higher and greater than those fixed and authorized by said chapter 273, and are in no respect in conformity therewith, but are unjust and unreasonable and oppressive.

And your petitioner further shows on information and belief, and so charges the fact to be, that the said Chicago, Milwaukee and St. Paul Railway Company has ever since the 29th day of April, 1874, used and operated its railroad within the state of Wisconsin, in entire disregard of the provisions of said chapter 273, and is daily and habitually charging and receiving greater and higher rates and compensation for the transportation of freights and passengers upon their said road, within this state, than are fixed, established and allowed by said chapter 273, and that said rates and compensations are so charged and received by said railroad company as aforesaid for carrying freight, which does not come from beyond the boundaries of the state or to be carried across or through the same.

And your petitioner further shows that on the 12th day of May, 1874, the said railroad company charged and received of one David Stephens, of the city of Madison, the sum of eighteen dollars for carrying and transporting 5,000 brick from the city of Watertown to the city of Madison, in said state of Wisconsin, the same being one car load, and transported by said company since the said sixth day of May, 1874, over its road in car numbered 1,497, and your petitioner, on information and belief, shows that said charge and sum so demanded by said railroad company for such service was two dollars in excess of the sum demanded and received by the same company for the same service during the year 1873, and was a higher and greater rate than that fixed and allowed by said chapter 273, and was unreasonable and extortionate.

And your petitioner further shows, that on the 10th day of May, 1874, the said railroad company charged and received of S. Cadwallader of the city of Madison, the sum of ninety cents for a ticket upon their road, from the city of Madison to Mazomanie, a distance of twenty-three miles, which said sum was higher and greater than the sum and rate fixed therefor by said chapter 273, and was unreasonable and extortionate.

That the said Chicago, Milwaukee and St. Paul Railway Company has, by the several acts, omissions and things herein charged and set forth, violated the provisions of the said chapter 273, and the laws of the state of Wisconsin, by abuse of its powers, and has offended against the provisions of the several acts creating and altering such corporation, and has exercised privileges and franchises not conferred upon it by law, and has thereby forfeited its privileges, franchises and charter as a corporation.

That your petitioner has reason to believe that the several acts, omissions and things as herein alleged and set forth can be established by proof; that divers particular and specific violations of the provisions of said chapter 273, and of the laws of the state, too numerous to be herein conveniently specified and set forth, can be established by proof.

And he therefore asks leave to bring an action in the nature of a *quo warranto*, in the name of the state of Wisconsin, in the supreme court of the said state, against the said Chicago, Milwaukee and St. Paul Railway Company, for the purpose of vacating the charter and annulling the existence of said corporation.

Dated, Madison, May 15, 1874.

A. SCOTT SLOAN,
Attorney General.

STATE OF WISCONSIN—County of Dane—ss.

A. Scott Sloan being duly sworn, says that he has read the foregoing petition by him subscribed, and that the same is true to his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true.

A. SCOTT SLOAN.

Subscribed and sworn to before me, May 16, 1874.

L. F. KELLOGG,
Clerk Sup. Ct., Wis.

ORDER OF THE COURT.

State of Wisconsin—Supreme Court.

THE STATE OF WISCONSIN VS. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

On reading and filing the petition of A. Scott Sloan, Attorney General of the state of Wisconsin, It is ordered that leave be and the same is hereby granted to the Attorney General to bring an action in the nature of a *quo warranto*, in the supreme court, in the name of the state of Wisconsin, against the Chicago, Milwaukee and St. Paul railway Company, a corporation, other than municipal, created and existing under and by virtue of the laws of the state of Wisconsin, for the purpose of vacating the charter and annulling the existence of said corporation as prayed for in said petition.

PETITION OF THE ATTORNEY GENERAL.

In Supreme Court.

THE STATE OF WISCONSIN V. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

The above named plaintiff, the State of Wisconsin, by A. Scott Sloan, Attorney General of the said state of Wisconsin, by leave of the court for that purpose, first duly had and obtained complaints of the above named defendant, the Chicago, Milwaukee and St. Paul Railway Company, and informs the court and shows and alleges that the said Chicago, Milwaukee and St. Paul Railway Company is a corporation duly created, organized and existing by the laws of the state of Wisconsin.

That the said Chicago, Milwaukee and St. Paul Railway Company was incorporated under the statute laws of the state of Wisconsin under the name of the Milwaukee and St. Paul Railway Company, by filing articles of association in the office of Secretary of State of the State of Wisconsin, on the 5th day of May, A. D. 1863, which said articles of association were amended by an act of the legislature of the state of Wisconsin, entitled "an act to amend the articles of association of the Milwaukee and St. Paul Railway Company," approved April 2, A. D., 1864.

That said articles of association were ratified and confirmed, and said company was among other things declared to be a corporation by an act of the legislature of the state of Wisconsin, entitled "an act ratifying the organization of a corporation therein named," approved April 10, 1865.

That at a meeting of the said Milwaukee & St. Paul Railway Company, held in the city of Milwaukee on the 7th day of February, 1874, at which were present, personally or by proxy, a majority of all its shareholders, the name of said company was changed to the "Chicago, Milwaukee & St. Paul Railway Company" by a resolution unanimously adopted, which resolution was duly recorded in the office of the Secretary of State of the state of Wisconsin, on the 11th day of February, 1874.

And the plaintiff further shows, that the said defendant, on the first day of January, 1874, owned and operated about six hundred miles of railroad within the said state of Wisconsin, and ever since that time has used, managed and operated the same in the transportation of freights and passengers upon its said railroad.

And the plaintiff further shows, that the legislature of the state of Wisconsin, at its annual session in the year 1874, passed an act entitled "an act relating to railroads, express and telegraph companies in the state of Wisconsin," approved March 11, 1874, being chapter 273 of the laws of said year 1874. That said act was duly published on the 28th day of April, 1874, and took effect on said last mentioned day.

That in and by the provisions of said act, among other things, all the railroads of the state were divided into classes; all freights thereafter to be transported upon said railroads or any part thereof were classified and the compensation to be charged and received by the railroad companies owning, managing and operating said railroads for the transportation of freights and passengers over their respective roads fixed and limited as therein prescribed, and that the said defendant is mentioned and described in said chapter 273, as the Milwaukee and St. Paul Railway Company. That there is no corporation in the state by the name of the Milwaukee and St. Paul Railway Company, and has not been since the change in the name of said corporation as aforesaid, and whenever the Milwaukee and St. Paul Railway Company is mentioned in said chapter 273, the defendant is meant and intended to be referred to and described.

And the plaintiff further shows upon information and belief, that the said defendant, the Chicago, Milwaukee and St. Paul Railroad Company on the 29th day of April, 1874, filed in the office of governor of the state of Wisconsin, a communication in writing, signed by Alexander Mitchell, its president, in which, among other things, it announced its purpose to disregard the provisions of said chapter 273, so far as the same attempts to fix the rates of compensation for freights and passengers, and to manage and operate its railroad within the state of Wisconsin without regard to its requirements.

And the plaintiff further shows that the defendant, on or about the 6th day of May, 1874, adopted and issued a tariff of rates for freights to be transported between local stations within the state, to take effect on the 8th day of May, 1874, and has also adopted a tariff of rates for freights and passengers transported over their railroads within the state of Wisconsin, and a classification of freights, all of which are in disregard of the rates and classification fixed by said chapter 273, and contrary to the requirements of said chapter.

That the said defendant has also issued to its agents and servants instructions to charge, demand and receive of all persons passing over its railroad or shipping freight thereon, the rates and compensations set forth and adopted in the several tariffs and schedules so issued by said defendant as aforesaid.

And the plaintiff further shows that the classification, rates and compensations so adopted by the said defendant are higher and greater than those fixed and authorized by said chapter 273.

And the plaintiff further shows, upon information and belief, and so alleges the fact to be, that the said defendant has, ever since the 29th day of April, 1874, used and operated its railroad within the state of Wisconsin, in entire disregard of the provisions of said chapter 273, and is, and has been daily and habitually charging and receiving greater and higher rates and compensation for the transportation of freights and passengers upon its said railroad, within this state, than are fixed and established or allowed by said chapter 273, and that said rates and compensation are so charged and received by said defendant as aforesaid, for carrying freight which does not come from beyond the boundaries of the state to be carried across or through the same.

And the plaintiff further shows, upon information and belief, that on the 12th day of May, 1874, the defendant charged and received of one David Stephenson of the city of Madison, the sum of eighteen dollars for carrying and transporting five thousand brick from the city of Watertown to the city of Madison in said state of Wisconsin, the same being one car load, and was transported by said defendant over its railroad since the said 6th day of May, 1874, in car No. 1497; that the distance between said city of Watertown and the said city of Madison, on and by the said defendant's railroad, does not exceed thirty-eight miles, and the sum so demanded and received by said defendant for carrying and transporting said car load of brick as aforesaid, was two dollars in excess of the sum charged and received by the said defendant for the same service during the year 1873, and was a higher and greater rate than that fixed and allowed by said chapter 273.

And the plaintiff further shows, upon information and belief, that on the 11th day of May, 1874, the said defendant charged and received of S. Cadwallader, of the city of Madison, the sum of ninety cents for a ticket upon its railroad, from the city of Madison to Mazomanie, a station on its road, distant twenty-three miles from Madison, and did demand and receive of and from the said Cadwallader the said sum of ninety cents for carrying him as a passenger on its said railroad said distance of twenty-three miles between the places last aforesaid, which said last mentioned sum was higher and greater than the sum and rate fixed therefor by said chapter 273.

And the plaintiff further shows and alleges that the said defendant, the Chicago, Milwaukee and St. Paul Railway Company has, by the several acts, omissions and matters herein alleged and set forth, violated the provisions of the said act of the legislature, and has offended against the provisions of the same and of the several articles of association, and acts creating, confirming and altering said corporation, and has exercised franchises and privileges not conferred upon it by law, and has thereby forfeited its privileges, franchises and charter as a corporation. Wherefore the plaintiff prays and demands that the article of association and charter of the said defendant, the Chicago, Milwaukee and St. Paul Railway Company, be vacated, the existence of said corporation annulled, and that all the rights, franchises, powers and privileges conferred upon the said defendant, the Chicago, Milwaukee and St. Paul Railway Company by the laws of this state, may be adjudged and declared to be forfeited, and that the said defendant be excluded from all corporate rights and privileges, and that said corporation, the Chicago, Milwaukee and St. Paul Railway Company be dissolved, and for the costs of this action.

A. SCOTT SLOAN,
Attorney General.

STATE OF WISCONSIN—*Dane County*—ss.

A. Scott Sloan being duly sworn, says that he is Attorney General of the state of Wisconsin, and that the foregoing complaint is true to his knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes them to be true.

A. SCOTT SLOAN.

DECISION OF THE CIRCUIT COURT.

Of the United States for the Western District of Wisconsin; in the case of—

WILHELM FREDRICK PICK, HENRY R. PERSON, THE FARMER'S LOAN & TRUST CO., AND THE UNION TRUST CO., vs. THE CHICAGO & NORTH-WESTERN RAILWAY COMPANY, GEO. H. PAUL, JOSEPH H. OSBORN, JOHN W. HOYT AND A. SCOTT SLOAN.

OPINION BY JUSTICE DRUMMOND.

We have not had time to prepare any opinion in the case, but, as it was thought desirable that there should be an immediate decision upon the motion for an injunction, I am instructed by the court to present the following as its conclusions upon the points made upon the motion for a preliminary injunction :

1. On the assumption that the act of the 11th of March, 1874, "relating to railroads, express and telegraph companies in the state of Wisconsin" is invalid, we think the court has jurisdiction of the case. The bill is filed by the bondholders, citizens of Europe and of other states, to enforce equitable rights, and to prevent action by the Railroad Commissioners which may

result as alleged, in serious injury to those rights. It was not necessary to wait until the commissioners had put the law in full operation, and its effects upon the railway company had become complete, before the application against them was made to a court of equity. A very important function of that court is to prevent threatened wrongs to the rights of property.

2. We are of opinion that the act of the 11th of March, mentioned above, was not repealed by the act of the 12th of March, 1874, the second section of which declares "all existing corporations within this state shall have and possess all the powers and privileges contained * * * in their respective charters;" and the act of the 12th of March, 1874, the ninth section of which imposes a penalty for exorbitant charges. There are apparent inconsistencies between these last two named acts and that of the 11th of March; but it becomes a question of intendment on the part of the legislature. And on the same day a joint resolution was passed (March 12th) directing the secretary of state not to publish the act of the 11th of March until the 28th of April, (acts of 1874, pages 599, 698, 758, 778). In this state no general law is in force till after publication. We think we may consider the joint resolution, in order to determine whether the legislature intended that two acts passed on the same day should repeal the act of the 11th of March, and from that it is manifest such was not the intention of the legislature.

3. The charters of the railroad corporations under the constitution of Wisconsin "may be altered or repealed by the legislature at any time after their passage." In legal effect, therefore, there was incorporated in all the numerous grants under which the Northwestern Railway Company now claims its rights of franchise and property in this state, the foregoing conditions, contained in the constitution. It became a part, by operation of law, of every contract or mortgage made by the company, or by any of its numerous predecessors, under which it claims. All share and bondholders took their stock or their securities subject to this paramount condition, and of which they, in law, had notice. If the corporation, by making a contract or deed of trust on its property, could clothe its creditors with an absolute, unchangeable right, it would enable the corporation, by its own act, to abrogate one of the provisions of the fundamental law of the state.

4. This principle is not changed by authority from the legislature of the state to a corporation to consolidate with a corporation of another state. The corporation of this state is still subject to the constitution of Wisconsin, and there is no power anywhere to remove it beyond the reach of its authority.

5. As to the rates for the transit of persons and property exclusively within the limits of this state, the legislature had the right to alter the terms of the charter of the Northwestern Railway Company, and the fact that such alteration might affect the value of its property or franchises, cannot touch the question of power in the legislature. The repeal of its franchises would have well nigh destroyed the value of its tangible property; and while the latter, as such, could not be taken, still, its essential value for use on the railroad would be gone.

6. The fact that grants of land were made by congress to the state cannot change the rights of the corporators or of the creditors. If the state has not performed the trust it must answer to the United States.

7. The act of the 11th of March, 1874, while not interfering with the rates of freight on property transported entirely through the state to and from other states, includes within its terms property and persons transported on railroads from other states *into* Wisconsin, *from* Wisconsin into other states. This act either establishes or authorizes the commissioners to establish fixed rates of freight and fare on such persons and property. The case of "The State Freight Tax," reported in the 15th Wallace, p. 282, decides that this last described traffic constitutes "commerce between the several states," and that the regulation thereof belongs exclusively to congress. It becomes, therefore, a very grave question whether it is competent for a state arbitrarily to fix certain rates for the transportation of persons and property of this interstate commerce, as the right to lower rates implies also the right to raise them. There may be serious doubts whether this can be done. This point was not fully argued by the counsel, and scarcely at all by the counsel of the defendants; and, under the circumstances, we do not at present feel warranted, on this ground alone, to order the issue of an injunction. If desired

by the plaintiffs, it may be further considered at a future time, either on demurrer to the bill or in such other form as may fairly present the question for our consideration.

The motion for an injunction is overruled.

SUGGESTIONS BY JUSTICE DAVIS.

In view of the decision just rendered, we trust it will not be considered out of the line of our duty to make a suggestion concerning this litigation to the counsel for the defendants. It is manifest that the questions involved are grave ones, and that the courts of last resort will ultimately have to pass upon them. It is equally manifest that a speedy decision, in which all parties are vitally interested, cannot be obtained unless there is harmony of action on the part of both the complainants and defendants. In the meantime, while this litigation is in progress, would it not be better for the defendants, as far as lies in their power, to have prosecutions for penalties suspended? These prosecutions are not required to settle rights. They are attended with great expense, and if enforced while an effort is making in good faith, to test the validity of this legislation, must cause serious irritation, and cannot be, as it seems to us, productive of any good results.

PETITION OF THE ATTORNEY GENERAL FOR AN INJUNCTION.

In Supreme Court.

THE STATE OF WISCONSIN vs. THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

A. Scott Sloan, Attorney General of the state of Wisconsin, who sues for the said state in this behalf, and in its name, comes here into the supreme court judicature of said state, before the justice thereof, at the capitol, in the city of Madison, on the eighth day of July, in the June term of said court in the year one thousand eight hundred and seventy-four, and for and in the name of the said state, gives the court here to understand and be informed, and shows and alleges that the above named defendant in this action, the Chicago and Northwestern Railway Company is a corporation duly created, organized and existing under and by virtue of the laws of the said state of Wisconsin. And the said Attorney General, in the name and in behalf of the said state, further gives the said court here to understand and be informed, and charges and alleges the truth to be that the said defendant, the Chicago and Northwestern Railway Company was incorporated by an act of the legislature of the state of Wisconsin, entitled "an act to incorporate the Madison and Beloit Railroad Company, approved August 19, 1848, and an act of the legislature of the state of Wisconsin, entitled "an act to amend an act, entitled 'an act to incorporate the Madison and Beloit Railway Company,' approved February 19, 1850, and the acts amendatory of the aforesaid acts, and supplementary thereto.

And the said Attorney General further gives the court to understand and be informed and avers that by an act of the legislature of the state of Wisconsin, entitled an act to authorize the railroad companies therein named to consolidate their capital stock, approved March 10, 1855, the said railroad company was authorized by its board of directors to select, choose and adopt for itself any name that a majority of the directors might see fit, and that subsequently a majority of said directors did duly select, choose and adopt the name of the Chicago and Northwestern Railway for said company.

And the said Attorney General further, as aforesaid, gives said court to understand and be informed, and states the fact to be that the said defendant on the first day of January, 1874, owned and operated about five hundred miles of railroad within the said state of Wisconsin, and ever since that time has used, operated and managed, now does use, operate and manage the same in the transportation of freights and passengers upon its said railroad.

And the said Attorney General further, as aforesaid, gives the court to understand and be informed, and shows now here that the legislature of Wisconsin, at its annual session in the year 1874, duly passed an act entitled "an act relating to railroads, express and telegraph companies in the state of Wisconsin," approved March 11, 1874, which said act was duly published on the twenty-eighth day of April, 1874, and took effect on said last mentioned day, and thence hitherto has been and still is in full force and operation.;

And the said Attorney General, further, as aforesaid, informs and gives the court to understand, and alleges that in and by the provisions of the said last named act, it is, among other things enacted that the railroads of the said state be, and are divided into classes, and that all freights to be transported upon said railroads, or any parts thereof, within the state of Wisconsin, after the passage of the said last mentioned act, be, and are classified, and the compensation to be charged and received by the companies owning, managing and operating said railroads for the transportation of freight and passengers over their respective roads, are fixed and limited as herein prescribed.

And the Attorney General further, as aforesaid, informs the court, and shows that the said defendant, the Chicago and Northwestern Railway Company, instead, as he had well hoped and believed it would do, of conforming the use, operation and management of its said railroad within the limits and conditions, and according to the regulations and presentations of the last aforesaid act, and without attempting to exceed the powers granted to and conferred upon it by law, and particularly, without attempting to disregard the provisions and requirements of the last aforesaid act in the the transaction of its said business and in the operation of its said road, did immediately after the said act took effect, namely, on the 29th day of April, A. D. 1874, file in the office of the Governor of the state of Wisconsin, a communication in writing, signed by Albert Keep, President of the said railway company, in which, among other things, announced its intention to disregard the provisions and requirements of the said last mentioned act, being chapter 273 of the laws of 1874, so far as the same provides and fixes the rates of compensation for the transportation of freight and passengers within said state, and to manage and operate its railroad to and from and between its various stations within said state regardless of the requirements of said act of the legislature and in defiance of law.

And the said Attorney General further, as aforesaid, avers and gives the court to understand and be informed, that the said defendant, combining and confederating with divers persons, at present to the said Attorney General unknown, whose names when discovered, the said Attorney General prays, that he may be at liberty to insert herein, with apt and proper words, to charge them as parties defendant hereunto, and contriving how to wrong and injure the plaintiff and all the people of the state of Wisconsin in the premises, has hitherto also lately refused, and still does so refuse, to comply with the requirements of the aforesaid act, and has adopted and issued a tariff of rates for freight between local stations within the said state, and a tariff of rates for freights and passengers transported over its roads within said state, and a classification of freights, each and all of which are in disregard of the classification and rates fixed by the said last mentioned act, and contrary to the requirements thereof. That said defendant has also issued to its officers, agents and servants (each and all of whom the plaintiff prays may, when their names shall be discovered, be made parties defendant to this action, with apt and proper words, to charge them) instructions to charge, demand and receive of all persons passing over their road or shipping freights thereon, the rates and compensation therefor, in the said tariff and schedules so issued by the said defendant, which said last mentioned rates and compensation are different from and higher, and greater than those fixed, limited and authorized by the said act, and in excess of the power and authority conferred upon the defendant by law, and that the said defendant, its agents, servants, officers

and employes have, during all the time since the said 28th day of April, 1874, charged, demanded and received, and now and still do charge, demand and receive of and from persons carried on their said railroad, and of and from persons shipping goods, wares and merchandise to be carried thereon between places within this state, rates and compensation therefor, higher and greater than those fixed and authorized by the said last mentioned act of the legislature, and greater and higher than said defendant is empowered by law to ask, demand or receive.

And the said attorney general further as aforesaid alleges and shows to the court, that the said defendant has ever since the said 28th day of April, 1874, used and operated its railroads within the state of Wisconsin, in direct violation of the act last above mentioned in defiance of law and contrary to the authority granted to a by law, and that it still does so use and operate its railroad, and now is daily and habitually charging and receiving greater and higher rates and compensations for the transportation of freight and passengers upon its said railroad within this state, than are fixed established and allowed by the said last mentioned act of the legislature, and that said rates are so charged and received by said defendant, as aforesaid for carrying freight and passengers which do not come from beyond the boundaries of the state of Wisconsin, to be carried across or through the same and which do not come from places without the state of Wisconsin, to be carried to or delivered at places or stations within this state, and which are not received for the carriage or transportation of freights or persons from stations or places within the state of Wisconsin, to places or stations without said state.

In consideration whereof, and to the end that the said defendant may be enjoined from exceeding its powers in manner and form as above stated, and from asking, demanding or receiving rates of fare for the carriage of persons and of toll or compensation for the transportation of goods, wares and other articles received at or taken from any one station or depot within said state and carried to and delivered at any other depot or station therein, the said Attorney General, appearing and suing in the name of and on behalf of the said state, as aforesaid, prays the justices of this court to grant unto the said plaintiff the writ of injunction issuing out of and under the seal of this honorable court, to be directed to the said defendant to restrain it, its officers, agents, servants, workmen and employees from exceeding the powers hereby conferred upon the said defendant, and from violating and disregarding the laws in the manner above stated and complained of, and the said plaintiff prays judgment that the said injunction may be made perpetual by the final order of this honorable court.

And the state of Wisconsin, by its Attorney General, will ever pray, etc.

A. SCOTT SLOAN,
Attorney General.

The State of Wisconsin—In Supreme Court.

THE STATE OF WISCONSIN, Plaintiff, vs. THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, Defendant.

To the above named defendant:

Take notice that I intend to move the honorable, the Supreme Court of the state of Wisconsin, holden at the capitol in the city of Madison on the 14th day of July instant, at the opening of the court on that day, or as soon thereafter as counsel can be heard, that an injunction be issued in accordance with the prayer of the annexed information or complaint, and for such other or further order or relief as the court may think proper to grant, which motion will be founded on the said annexed information or complaint.

Dated July 8, 1874.

A. SCOTT SLOAN,
Attorney General.

PETITION OF THE ATTORNEY GENERAL FOR AN INJUNCTION.*In Supreme Court.***THE STATE OF WISCONSIN VS. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.**

A Scott Sloan, Attorney General of the state of Wisconsin, who sues for the said state in this behalf and in its name, comes here into the supreme court of judicature of said state, before the justice thereof, at the capitol in the city of Madison, on the eighth day of July, in the June term of said court, in the year one thousand eight hundred and seventy-four, and for and in the name of said state gives said court here to understand and be informed, and shows and alleges that the above named defendant in this action, the Chicago, Milwaukee and St. Paul Railway Company is a corporation duly created, organized and existing under and by virtue of the laws of the state of Wisconsin.

And the said Attorney General, in the name and in the behalf of said state, further gives the said court here to understand and be informed, and charges the truth to be, that the Milwaukee and St. Paul Railway Company was incorporated under the statute laws of the state of Wisconsin, under the name of the Milwaukee and St. Paul Railway Company, by filing articles of association in the office of the Secretary of State of the state of Wisconsin, on the 5th day of May, 1863, which said articles of association were demanded by an act of the legislature of the state of Wisconsin, entitled "An act to amend the articles of association of the Milwaukee and St. Paul Railway Company," approved April 2, 1864. That said articles of association were ratified and confirmed, and said company, with among other things, declared to be a corporation by an act of the legislature of the state of Wisconsin, entitled "An act ratifying the organization of the corporation therein named," approved April 10, 1865; that at a meeting of the stockholders of the said Milwaukee and St. Paul Railway Company, held in the city of Milwaukee on the 7th day of February, 1874, at which were present, in person or by proxy, a majority of all the stockholders of said company, the name of said corporation was changed to the Chicago, Milwaukee and St. Paul Railway company by a resolution unanimously adopted, which resolution was duly recorded in the office of the Secretary of State of the state of Wisconsin, on the 11th day of February, 1874.

And the said Attorney General further, as aforesaid, gives said court to understand and be informed, and states the fact to be, that the said defendant, on the first day of January, 1874, owned and operated about six hundred miles of railroad within the said state of Wisconsin, and ever since that time has used, operated and managed, and now does use, operate and manage the same in the transportation of freight and passengers upon its said railroad.

And the said Attorney General further, as aforesaid, gives the court to understand, and offers and shows that the legislature of the state of Wisconsin, at its annual session in the year 1874, duly passed an act, entitled "An act relating to railroads, express and telegraph companies in the state of Wisconsin," approved March 11, 1874, which said act was duly published on the twenty-eight day of April, 1874, and took effect on said last mentioned day, and thence hitherto has been, and now is, in full force and operation, and that the said defendant, mentioned and described in said last named act, as the Milwaukee and St. Paul Railway Company, by which name it was then theretofore and still is commonly known and called, and that there is no corporation in this state by the name of the Milwaukee and St. Paul Railway Company, and has not been since the change of name as above stated, except as the road applies to the defendant, and whenever the Milwaukee and St. Paul Railway Company is mentioned in said act, the defendant is meant and attributed to the company referred to and spoken of.

And the said Attorney General further, as aforesaid, informs and gives the

court to understand, and alleges, that in and by the provisions of the said last named act, it is among other things enacted, that all the railroads of the said state be and are divided into classes, and that all the freights to be transported upon said railroads or any parts thereof, within the state of Wisconsin, after the passage of the said last mentioned act, be and are classified, and the compensation to be charged and received by the companies owning, managing and operating said railroads, were fixed and limited as therein prescribed.

And the said Attorney General further, as aforesaid, shows and informs the court that the said defendant, the Chicago, Milwaukee and St. Paul Railway Company, instead, as he had well hoped and believed it would do, of confirming the use, operation and management of its said railroad within the limits and conditions, and according to the regulations and prescriptions of the last aforesaid act, and without attempting to exceed the powers granted to and conferred upon it by law, and particularly without attempting to disregard the provisions and requirements of the act last aforesaid, in the transaction of its said business, and in the operation of its said road, did, immediately after the said act took effect, to wit: on the 29th day of April, A. D. 1874, file in the office of the Governor of the state of Wisconsin, a communication in writing, signed by Alexander Mitchell, its president, in which, among other things, it announced its intention to disregard the provisions and requirements of the said last named act, being chapter 273 of the laws of 1874, so far as it provides and fixes the rates of compensation for the transportation of passengers and freights within said state, and to manage and operate its railroads to and from and between its various stations within said state, regardless of the requirements of said act of the legislature, and in defiance of law.

And the said Attorney General further, as aforesaid, avers, and gives the court to understand and be informed, that the said defendant, combining and confederating with divers persons, at present to the said Attorney General unknown, whose names, when discovered, the said Attorney General prays that he may be at liberty to insert herein, with apt and proper words to charge them as parties defendant hereto, and contriving how to wrong and injure the plaintiff and all the people of the state of Wisconsin, in the premises, has absolutely refused, and still does so refuse, to comply with the requirements of the aforesaid act, and has adopted and issued a tariff of rates for freights and passengers transported over its roads within said state, and a classification of freight, each and all of which are in disregard of the classification and rates fixed by the said last mentioned act, and contrary to the requirements thereof. That said defendant has also issued to its officers, agents and servants (each and all of whom the plaintiff prays may be made parties defendant to this article, with apt and proper words to charge them) instructions to charge, demand and receive of all persons passing over their road or shipping freights thereon, the rates and compensations therefor in the said tariff and schedules so issued by the said defendant, which said last mentioned rates and compensations are different, higher and greater than those limited and authorized by the said act, and in excess of the power and authority conferred upon the defendant by law; and that the said defendant, its agents, servants, officers and employes have all the time, since the said 28th day of April, 1874, charged, demanded and received of and from persons carried over their said railroad, and of and from persons shipping goods, wares and merchandise to be carried between places in this state, rates and compensations therefor higher and greater than those fixed and authorized by the said last mentioned act of the legislature, and greater and higher than said defendant is empowered by law to ask, demand or receive.

And the said Attorney General further, as aforesaid, alleges and shows to the court that the said defendant has, ever since the 28th day of April, 1874, used and operated its railroad within the state of Wisconsin in direct violation of the act last above mentioned, in defiance of law, and contrary to the authority granted to it by law, and that it still does so use and operate its railroad, and now is daily and habitually charging and receiving greater and higher rates and compensations for the transportation of freights and passengers upon its said road within this state, than are fixed, established and allowed by the said last mentioned act of the legislature; that said rates are so charged and received by said defendant as aforesaid, for carrying freights

and passengers, which do not come from beyond the boundaries of the state of Wisconsin, to be carried to or delivered to places or stations within this state, and which are not received for the carriage or transportation of freights or persons from stations or places within the state of Wisconsin to places or stations without said state.

In consideration whereof, and to the end that the said defendant may be enjoined from exceeding its powers in manner and form as above stated, and from asking, demanding or receiving rates of fare for the carriage of persons and of toll or compensation for the transportation of goods, wares and other articles received at or taken from any one station or depot within this state, and carried to and delivered at any other depot or station therein, then said attorney general opposing and suing in the name and behalf of the said state as aforesaid, prays the justice of the court to grant unto the said plaintiff the writ of injunction issuing out of and under seal of the honorable court, to be directed to the said defendant to restrain it, its officers, agents, servants, workmen and employees, from exceeding the powers possessed by and conferred upon the said defendant, and from violating and disregarding the law in the manner above stated and complained of, and the said attorney general further prays judgment that the said injunction may be made perpetual by the final order of this honorable court. And the said state of Wisconsin by its attorney general will ever pray, etc.

A. SCOTT SLOAN,
Attorney General.

The State of Wisconsin—In Supreme Court.

THE STATE OF WISCONSIN, Plaintiff vs. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY, Defendant.

To the above named defendant:

Take notice, that I intend to move the honorable, the Supreme Court of the state of Wisconsin, holden at the capitol in the city of Madison, on the 14th day of July instant, at the opening of the court on that day, or as soon thereafter as counsel can be heard, that an injunction be issued in accordance with the prayer of the annexed information or complaint, or for such other order or relief as the court may think proper to grant, which motion will be founded on the said annexed information or complaint.

Dated July 8, 1874.

A. SCOTT SLOAN,
Att'y General.

OPINION BY CHIEF JUSTICE RYAN.

[*Delivered at Madison, Wis., Sept. 15, 1874.*]

THE ATTORNEY GENERAL vs. THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

THE ATTORNEY GENERAL vs. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

These causes, although before the court now on motion only, are of high importance, for both the interests and the principles which they involve. Most of the questions to be passed upon were elaborately argued with much learning and ability at the bar, and all have been patiently and laboriously considered by us, in view of the gravity and delicacy of the decision which we have to make.

I. The first question to be settled, and the one which has given us the greatest difficulty to settle, is the jurisdiction of this court to entertain the information in these causes.

Since the case of *Attorney General v. Blossom*, 1 Wls., 317, the original jurisdiction of this court, under the third clause of sec. 8, Art. VII of the constitution of this state, has never been doubted in this court, has been recognized and asserted in many cases, and is no longer an open question. This original jurisdiction is conferred and limited by the power "to issue writs of *habeas corpus*, *mandamus*, *injunction*, *quo warranto*, and *certiorari*, and other original and remedial writs, and to hear and determine the same." The court has many times exercised original jurisdiction in cases of *habeas corpus*, *mandamus*, *quo warranto* and *certiorari*. This is the first time it has been called upon to assert original jurisdiction of injunction.

In the case of *Cooper v. Mineral Point*, MS., January T., 1874, application was made to this court to issue a writ of injunction in a cause pending in the circuit court. The court disclaimed jurisdiction to grant the writ in a cause not in this court, under either its appellate or original jurisdiction; but took occasion to assert its jurisdiction to issue the writ in a proper case commenced in this court, as an exercise of its original jurisdiction. But in neither of these cases, nor—so far as we are aware—in any other case, has it been considered what are the nature and limits of the original jurisdiction conferred on this court in cases of injunction, or how is that jurisdiction to be exercised. And indeed the distinction between the writ of injunction and the other writs granted, seems to have been overlooked in discussions which had relation chiefly to the nature and functions of those other writs.

In *Attorney-General v. Blossom*, Smith, J., speaking of the group of writs given to the court, says that "this class of writs, it would seem, appertain to, and are peculiarly the instruments of, the sovereign power, acting through its appropriate department: prerogatives of sovereignty, etc." He calls them indiscriminately original and prerogative writs; and says that they "differ essentially, in their character and objects, from ordinary writs issued by the courts, in the regular and usual administration of the law between parties. They go to accomplish peculiar and specific objects, carrying with them the special mandate of the sovereign power, etc. They bear no resemblance to the usual processes of courts by which controversies between private parties are settled by the judicial tribunals of every grade." He speaks particularly of the writs of *certiorari* and *injunction* as "remedial writs of a high judicial character, and essential to the complete exercise of the function of sovereignty in the administration of justice."

Substantially correct of all the other writs named, this language does not appear to be accurately used of the writ of injunction. At common law all the other writs given were prerogative writs, issuing on behalf of the state only; and though sometimes used for private remedy, were so used on special leave given, and in the name of the state, and were not ordinary writs applicable to private controversies, or issuable of course. All the other writs must or might be original; as given to this court they must be original writs—in the modern and practical sense of the term, original writs. The writ of injunction was not original. They are, as given, essentially jurisdictional writs, implying the jurisdiction granted, in each case, *ex vi termini*. The writ of injunction was not an original writ, and by itself, as given, implies no specific jurisdiction. It was a judicial writ, going only upon some judgment interlocutory or final, of the court issuing it, in some case of which the court had jurisdiction otherwise; never jurisdictional, but always remedial in aid of jurisdiction already attached, within the vast range of equitable cognizance. And the difficulty arises wholly from placing this non-jurisdictional writ in a group of jurisdictional writs, this judicial writ amongst original writs; this equitable writ of vague and varied application amongst common law writs of sharp and terse significance; this confusion of equitable and legal jurisdiction. In *Attorney-General v. Blossom*, the jurisdiction question was *quo warranto*. And elaborately as the question was discussed by the able judge who wrote the opinion, he seems to have followed the framers of the constitution in a want of preception that the writ of injunction appeared to be illy grouped with *habeas corpus*, *mandamus*, *quo warranto* and *certiorari*, and that the court might be troubled some day, as it has been now,

how to take jurisdiction of a writ not before jurisdictional; how to hear and determine a writ not before original.

The common law, which gave the original writs adopted by the constitution, gave the forms of procedure. The jurisdiction of them, once ascertained, involved nothing difficult, nothing new; and when they were under consideration, the original jurisdiction of the court was easily asserted and discussed. It was natural that the court should overlook, it was fitting that the court should postpone the difficulty arising on original jurisdiction of information until the writ itself should be applied for, and a proceeding taken to put its original jurisdiction of the writ in motion. And the questions are now here, for the first time, for settlement. What is that jurisdiction, what are its import and limits, how and at whose instance is it to be asserted? The writ does not of itself, like the rest of the group of writs given, furnish an answer to these questions.

From the beginning of the discussion of these motions, this difficulty stared us in the face, and we called on the bar for a solution of it. On the one side, we were first told that the writ gives this court general equitable jurisdiction, in all cases, between all parties, where injunction is prayed; thus substantially making this court one of general equitable jurisdiction, concurrent with all the circuit courts of the state. Later in the discussion an attempt was made to limit this interpretation to cases in which perpetual injunction is the sole relief sought. This latter construction is hardly consistent with the indisposition of a court of equity to be the handmaid of other courts, or the general maxim that a court of equity, having once obtained jurisdiction for one purpose, will retain it for all purposes; or if consistent, not very available as a limitation. And an original equitable jurisdiction, however restricted, of purely private causes, concerning private interests, between private persons, would be wholly inconsistent with the manifest policy of the constitution to limit this court to appellate jurisdiction, superintending control over inferior courts, and original jurisdiction in certain causes *publici juris*, as is held in *Attorney General v. Blossom*. It would be a gross blemish upon the symmetry and economy of the constitutional distribution of a jurisdiction, a solecism against the judicial order observed in it, to attribute to the supreme court of the state original jurisdiction in one class of causes of private right which is carefully excluded in all other causes for no inherent distinction; for no assignable reason, except that it seems to follow from words used for a different purpose; a purely accidental and incongruous jurisdiction, which was surely not designed. (See the cases in Missouri cited *infra*.) We could not accept so vicious and mischievous a construction, resting really upon an imputation of an inaccurate use of the terms in the constitution; and which after all does not fully meet the difficulty of jurisdiction given of a non-jurisdictional writ.

On the other side it was suggested that the writ of injunction does not go at all to the original jurisdiction of the court; and that it is inserted where it is, in aid of the appellate or superintending jurisdiction of the court. This construction is properly rejected in *Attorney General v. Blossom*. The framers of the constitution appear to have well understood that, with appellate jurisdiction, the court took all common law writs applicable to it; and with superintending control, all common law writs applicable to that; and that, failing adequate common law writs, the court might well devise new ones, as Lord Coke tells us as "a secret in law." Hence the constitution names no writ for the exercise of the appellate or superintending jurisdiction of the court. But the original jurisdiction depends on the writs given, and hence the group of specific writs. The injunction given, mean what it may, appertains therefore to the original jurisdiction of the court.

Again we are told that the writ of injunction was inserted in the class of original writs *ex abundanti cautela*, where it does not fit, where it performs no office, where it stands mere surplusage, signifying nothing, *nudum verbum*. We might sympathize with this way out of the difficulty, but we cannot accept it. We cannot so deal with the charter of this court. We cannot so dispose of a jurisdictional word. Even in ordinary phrases, in an ordinary statute, dealing with an ordinary subject, *verba aliquid operari debant, cum effecta sunt accipienda*. And surely we cannot in the constitution which creates the court, reject as superabundant and unmeaning, an independent, juris-

ditional word, manifestly inserted for the purpose of imposing a distinct duty on the court, only because we find it difficult to apply it. We must hold that the grant of the writ had a definite purpose. This is proved by the independent use of the word, rarely appearing in such a grant of jurisdiction. We may say that we have found it difficult to define the purpose; but if we should find it impossible to interpret the organic law of the court, we might not unjustly be held to confess our unfitness for this place.

Receiving from the bar no solution of the difficulty which we could accept, we have patiently considered it, seeking light from the constitutional grant of jurisdiction itself, from the previous discussions of this court, and from the discussions of other courts on kindred subjects; steadfast to accept or reject jurisdiction of these causes, as our duty might be; and as far as we should be able, and as far as might be necessary to our decision, to ascertain and define the jurisdiction in question, for the future guidance of the court and the profession, until our construction shall be modified or changed by our successors.

All the other writs of the group are common law writs. The writ of injunction, when the constitution was adopted, was exclusively an equitable writ, used only by courts of chancery. As such it was given to this court, implying and carrying with it equitable jurisdiction to employ it. It is therefore plain that the original jurisdiction of this court is both legal and equitable, within certain limits; legal for the use of the common law writs; equitable for the use of the chancery writ. The use of the former must be according to the course of common law courts. The use of the latter, according to the course of courts of equity; in each case, subject to statutory modifications of the practice, which do not impair the jurisdiction granted. The common law writs, as already observed, imply and define the jurisdiction appurtenant to them, as jurisdictional writs. It is otherwise with the writ of injunction. Equity has no jurisdictional writs. By the course of courts of equity, the jurisdiction must precede the writ. And though the writ is the end of the equitable jurisdiction implied, the scope of the jurisdiction must be sought mainly outside of the writ itself. It can issue only after bill or information filed. And the question still remains, what is the original equitable jurisdiction conferred on the court, of bills or informations, dependent on the use of the writ.

The grant of original jurisdiction is one entire thing, given in one general policy, for one general purpose, though it may have many objects and many modes of execution. So it is of the appellate power. So it is of the superintending control. There are three independent and distinct grants of jurisdiction; each compact and congruous in itself; each a uniform group of analogous remedies, though to be exercised in several ways, by several writs, in legal and equitable proceedings, on many objects, in great variety of detail. The constitution wisely, almost necessarily, stopped with the general grants of jurisdiction, carefully distinguished, and left details to practice and experience.

The grant is to the supreme court of the state, in the full significance of that term given in *Attorney General v. Blossom*; designed to have a general judicial oversight of the state in all its interests, public and private. To this court, as such, are given general appellate jurisdiction and superintending control over all other courts throughout the state, because these are essential to the judicial supremacy of the court in all ordinary litigation; and original jurisdiction of certain writs, "because they are designed for the very purpose of protecting the sovereignty and its ordained offices from invasion or intrusion, and also to nerve its arm to protect its citizens in their liberties, and to guard its prerogatives and franchises against usurpation." This is the language of the court in *Attorney General v. Blossom*, which we adopt and approve as applicable to the question before us. And it tends to show, as the whole opinion in that case shows, that the three grants of jurisdiction proceed on one policy; appellate jurisdiction to decide finally all ordinary litigation; superintending jurisdiction over all other courts to control the course of ordinary litigation in them; and, outside of these, original jurisdiction of certain proceedings at law and in equity, to protect the general interests and welfare of the state and its people, which it would not do, to quote Smith J. again, to dissipate and scatter among many inferior courts. Here are three juris-

dictions, but one policy; to make this court indeed a supreme judicial tribunal over the whole state; a court of last resort on all judicial questions under the constitution and laws of the state; a court of first resort on all judicial questions affecting the sovereignty of the state, its franchises and prerogatives, or the liberties of its people. *Attorney General v. Blossom*.

The other courts may, indeed, adjudicate public as well as private questions; and the appellate and superintending jurisdiction of this court may therefore reach public as well as private interests. But the framers of the constitution, for greater security, added to these original jurisdiction, over great public interests, for reasons already assigned. In a government like ours, public rights of the state and private rights of citizens often meet, and may well be involved in a single litigation. So it may be in the exercise of the original jurisdiction of the court. But it is safe to say that the constitution is content to intrust purely private rights to the appellate and superintending jurisdictions given, and to have granted the original jurisdiction of this court for the better and prompter and more authoritative protection of public interests. This is its primary and controlling object and character.

This is very plainly implied by the grants of the writs of *habeas corpus*, *mandamus*, *quo warranto* and *certiorari*, as is well reasoned in *Attorney General v. Blossom*. And, plainly recognizing the intention of the constitution to vest in this court one jurisdiction, by several writs, to be put to several uses, for one consistent, congruous, harmonious purpose, we must look at the writ of injunction in the light of that purpose, and seek its use in the kindred uses of the other writs associated with it. *Noscitur a sociis* is an old and safe rule of construction, said to have originated with as great a lawyer and judge as Lord Hale, peculiarly applicable to this consideration. Lord Bacon gives the same rule in a more detailed form, more emphatic here. *Copulatio verborum indicat acceptionem in eodem sensu*. Here are several writs of defined and certain application classed with one of vague import. We are to be guided in the application of the uncertain, by its certain associates. The joinder of the doubtful writ with the defined writs operates to interpret and restrict its use, so as to be accepted in the sense of its associates; so that it and they may harmonize in their use, for the common purpose for which it is manifest that they were all given. And thus in this use and for this purpose, the constitution puts the writ of injunction to prerogative uses and makes it a *quasi* prerogative writ.

There is the less difficulty in reaching this construction, and giving definite meaning to the jurisdiction of injunction, because of the very contrast between this writ and *mandamus*. The latter commands. The former forbids. Where there is non-feasance, *mandamus* compels duty. Where there is malfeasance, injunction restrains wrong. And so near are the objects of the two writs, that there is sometimes doubt which is the proper one; *injunction* is frequently made mandatory and *mandamus* sometimes operates restraint. In these very motions it was argued on one side that the remedy of the state is by *mandamus*, on the other that it is by injunction. And it is very safe to assume that the constitution gives *injunction* to restrain excess, in the same class of cases as it gives *mandamus* to supply defect; the use of the one writ or the other in each case turning solely on the accident of over action or short coming of the defendant. And it may be that where defect and excess meet in a single case, the court might meet both, in its discretion, by one of the writs, without being driven to send out both, tied together with red tape, for a single purpose.

This view excludes jurisdiction of injunction in private suits, between private parties, proceeding on private right or wrong. In excluding them, we feel quite assured that we are only giving effect to the very purpose and limit of the constitution in the grant of jurisdiction. And we were aided in arriving at this conclusion, by decisions of the supreme court of Missouri, in somewhat analogous cases, excluding original jurisdiction of causes of merely private interest. *State v. Stewart*, 32 Mo., 379; *State v. Lawrence*, 38 Mo., 535; *Foster v. State*, 41 Mo., 61; *Vail v. Dinning*, 44 Mo., 210; *State v. Vail*, 53 Mo., 97. In our view, the jurisdiction of the writ is of a *quasi* prerogative writ. The prerogative writs proper can issue only at the suit of the state or the Attorney General in the right of the state; and so it must be with

the writ of injunction, in its use as a *quasi* prerogative writ. All may go on the relation of a private person, and may involve private right. It is the duty of the court to confine the exercise of its original jurisdiction to questions *publici juris*. And hereafter the court will require all classes of cases, as it has hitherto done some, in which it is sought to put its original jurisdiction in motion, to proceed upon leave first obtained, upon a *prima facie* showing that the case is one of which it is proper for the court to take cognizance.

Although the writ of injunction was at no time properly a jurisdictional writ, it has long been held to be a judicial writ only, used to give effect to the general jurisdiction of courts of equity, yet in the early history of the English chancery, the use of the writ rested on a jurisdiction of its own, borrowed from the Roman law by the Churchmen who first sat in that court. 1 Spence, 668. And this early use of the writ as a *quasi* jurisdictional writ, has aided us in giving to it the construction and use in the constitution, which we adopt.

We ought, perhaps, earlier in the discussion, to have indicated another section of article VII of the constitution, which has aided our conclusion. Section eight gives jurisdiction to the circuit courts, original in all matters, civil and criminal, within the state, not excepted in the constitution or thereafter prohibited by law, and appellate from all inferior courts and tribunals, and supervising control over the same, and also power to issue writs of *habeas corpus*, *mandamus*, *injunction*, *quo warranto*, *certiorari* and all other writs necessary to carry into effect their judgments, etc., and general control over inferior courts and jurisdictions. A great jurisdiction comprehending as C. J., Stow remarked in *Putnam v. Sweet*, the united powers of the English courts of the King's Bench, Common Pleas, Exchequer and Chancery. The same writs are granted to those courts as to this. It is impossible for a lawyer to suppose that they are granted in the same sense and with the same measure of jurisdiction, to this court as those courts. Such a proposition would shock the legal sense of any professional man. And the distinction is to be looked for, and is readily found, in the general constitution and functions of those courts and of this. The writs are given to the circuit courts as an appurtenance to their general original jurisdiction; to this court for jurisdiction. Those courts take the writs with unlimited original jurisdiction of them, because they have otherwise general original jurisdiction. Other original jurisdiction is prohibited to this court, and the jurisdiction given by the writs is essentially a limited one. Those courts take the prerogative writs as a part of their general jurisdiction, with power to put them to all proper uses. This court takes the prerogative writs for prerogative jurisdiction, with power to put them only to prerogative uses proper. The circuit courts take the writ of injunction with all the powers and all the uses of the English court of chancery. This court takes it as an integral element of its jurisdiction of prerogative writs. And it would be a rude and criminal emasculation of the judicial charter of the state, to disfranchise this court of all jurisdiction or use of injunction, as it would be a wild and reckless delusion, undiscerning the symmetrical distribution of judicial powers in the constitution, to attribute to this court the same jurisdiction and uses of the writ which the circuit courts have.

And so the difficulty which seemed so great, becomes so little, and is overcome, as difficulties often are, by being directly met and carefully examined. And thus we find that Smith J., was more apparently than really inaccurate in *Attorney General v. Blossom* when he classed injunction with the other writs given, and called the whole group prerogative and original writs. For, in our view of its use, the injunction given to this court seems to become a *quasi* prerogative writ, and founds jurisdiction as if it were an original writ. It is certainly competent for the constitution to give new writs or to put old writs to new uses; to make any writ, by the use to which it puts it, prerogative or original; and to found jurisdiction on any writ, as in case of a prerogative or original writ. And this it appears to have done, in effect, with the injunction which it gives to this court.

We therefore hold that the court has original jurisdiction of an information on behalf of this state, in the nature of an injunction bill in chancery, in all cases coming within the scope of original jurisdiction conferred on this court

by the third clause of section 8, article VII., of the constitution, in which injunction is the appropriate remedial writ.

The original jurisdiction of the court by way of injunction being thus settled, no question was made on the argument, and it is not perceived how any could well be, of our jurisdiction to entertain the informations in these causes, if they make a case for equitable cognizance.

II. But equitable jurisdiction of such informations was denied. It was argued that the courts of equity have no jurisdiction, at the suit of the Attorney General, to enjoin usurpation, excess or abuse of corporate franchises.

This question was argued very ably and at large, and has been carefully considered, although we have had no difficulty in coming to the conclusion that courts of equity have such jurisdiction, and that it is a very beneficial jurisdiction, almost essential to public order and welfare.

It was hardly denied that the English court of chancery entertains jurisdiction in such cases, and indeed the English books leave little room for such a denial.

But it was said that, in England, the Attorney General had a right to elect his forum, legal or equitable. And it is so said in some of the cases. *Attorney General v. Mayor of Galway*, 1 Molloy 103. But it appears to us that this logically follows, everywhere, upon equitable jurisdiction to restrain corporate violations of charters or other public law. In such cases there is always a remedy at law. The Attorney General may proceed at law by *quo warranto* to forfeit the charter of the offending corporation, and, if there be a penalty, as often happens, he may sue for it at law. And the concurrent remedy by injunction, inevitably give the election imputed to the Attorney General. And we see no reason why the Attorney General here, has not the same election. To deny him such an election, is only another way of denying the jurisdiction.

The equitable jurisdiction precludes the objection that there is an adequate remedy at law. It admits the remedy at law, but administers its own remedy in preference, when the state seeks it in preference. It seems to proceed on the presumption that it may better serve the public interest to restrain a corporation, than to punish it by penal remedies or to forfeit its charter; and that, in that view, the proper officers of the state should have an election of remedies. And we may as well say in this connection, that the jurisdiction to entertain these informations is wholly independent of an adequate remedy at law; and that, were that otherwise, we could not consider the informations in the nature of *quo warranto*, pending in this court against these defendants, as an adequate remedy at law, which could be a substitute for or bar to the injunctions asked. Judgments of ouster on those informations might not only be of far more grave consequence to the defendants, but might be far less beneficial to the state, and less accordant with its policy, and altogether less equitable and proper, than the injunctions sought to restrain the defendants from doing what is alleged to work a forfeiture of their charters. Doubtless the court has power in granting injunctions, to prescribe conditions controlling the action of the Attorney General in the *quo warranto* cases. But if this court can enjoin, it can do so without regard to any remedy at law; and the Attorney General has a right of election to resort to the mere lenient remedy of injunction, in preference to the harsher and more dangerous experiment of forfeiture.

It was further urged for the defendants, against the authority of the English cases, that the jurisdiction of the English chancery in such cases, rests largely on recent acts of Parliament. And we were referred, in support of that position, to the railway and canal traffic act of 1854, and to the common law procedure act of the same year, (17 and 18 Vict., ch. 31; ch. 127.) We have carefully examined these statutes, and Mr. Joice's comments upon them. We find that the former of them enlarged the powers of some of the common law courts and gave them jurisdiction of certain summary proceedings and the equitable writ of injunction for certain purposes, against railway and canal companies. The second of these acts gives some equitable powers, and the writ of injunction, in certain cases, to courts of common law. But we fail to discover that either of these statutes adds anything to the jurisdiction of courts of equity. In this connection we were led also to examine the rail

way act of 1840 (3 and 4 Vict., ch. 97), and the railway act of 1844 (7 and 8 Vict., ch. 85.) Section 11 of the former of these two latter acts, and section 17 of the latter of them, the second of these sections being a substitute for the first, give certain authority to the board of trade to require the attorney general to proceed against railway companies for violation of legal duty; and, upon such requisition, make it obligatory on the attorney general to take such proceedings. While the latter of these sections was in force, the attorney general filed an information in the court of chancery against a railway company for an injunction against acts within the letter and spirit of the section, without any requisition of the board of trade. On application for injunction, the Vice Chancellor says;

"It is, however, contended that as the act of 7 and 8 Vict., ch. 85, sections 16, 17, prescribes a particular remedy in such a case, the Attorney General cannot take proceedings otherwise than in accordance with that provision.

"This objection in truth involves the contention that this court has no jurisdiction to entertain the suit by the Attorney General, unless it is instituted under the circumstances mentioned in those sections.

"The effect of those sections is not to take away the right of the Attorney General to file such an information at his discretion, although there is no certificate of the Board of Trade, or the jurisdiction of the court to entertain such a suit. The only effect is that if the Board of Trade has certified to the Attorney General, he is *bound* to act, and compel the railway company to abstain from doing what is in violation of the law. In that particular case he can exercise no discretion; he must sue."

The information was sustained and the injunction issued. *Attorney General v. Great W. Railway Co.*, 1 Drewry & S., 154.

We have been unable to find any English statute enlarging the jurisdiction of the Court of Chancery in such cases; and we find all the English cases proceeding without reference to statutory jurisdiction. We find no room for doubt that this jurisdiction of English Courts of Equity is independent of all authority by statute, and has long been as well recognized as any ground of equitable jurisdiction whatever. And these views are fully sustained by the case just quoted.

We cannot state the rule better than by taking it from the excellent work of Mr. Brice, so recently given to the profession:

"Under many circumstances, the court of chancery has, on public grounds, jurisdiction to prevent corporations acting in various ways, or contrary to the intent for which they have been created. The public, however, must be represented in all applications relating to such matters, and this is done by the intervention of the Attorney General. No single person, whether a member of the corporation in question or not, is able on his own account, and of own motion, to call upon the court to interfere for his special protection. The wrong he complains of is not confined to himself—no right or privilege peculiar to himself is violated—the wrongs inflicted and the rights invaded affect the public, and the public, consequently, must be a party to the proceedings. The occasion upon which the court will exercise jurisdiction to restrain the doing of acts of this kind, seem to fall into the three following heads." The author then proceeds to give the three heads of jurisdiction at large, which are thus classed in his own words: "1st. When a corporation is abusing powers given for public purposes; 2d, or is committing a breach of trust; 3d, or is acting adversely to public policy." We copy this last in full:

"When any corporation is doing acts detrimental to the public welfare, or hostile to public policy. The right of the Attorney General to interfere on these grounds was fully established in *Attorney General v. Great North. Railway Co.*, where the defendants had engaged in an illegal trade in coals. It was objected that it was not competent for him to file an information. But Kindersley, V. C., said: 'On this point I entertain no doubt whatever. Whenever the interests of the public are damaged by a company established for any particular purpose by act of Parliament, acting illegally and in contravention of the powers conferred upon it, I conceive it is the function of the Attorney General to protect the interests of the public by an information; and that, when in the case of an injury to private interests, it would be competent for an individual to apply for an injunction to restrain a company from using its powers for purposes not warranted by the act creating it, it is

competent for the Attorney General, in cases of injury to public interests from such a cause, to file an information for an injunction."

The writer then proceeds: "The above being the grounds of the jurisdiction of the Court of Chancery in this behalf, the next point is, when can the Attorney General direct proceedings on behalf of the public? He may do so whenever public interests have been damaged, or will manifestly be damaged, in the result, by transactions which are now taking place. And it would seem from the judgment in *Ware v. Regent's Canal Co.* (8 De Gex and J., 212, 228), that he may do so when a corporation is going beyond its special powers, even though no definite injury has been done, or is likely to be done, to the public. Where there has been an excess of the powers given by an act of Parliament, but no injury has been occasioned to any individual, or is imminent and of irreparable consequences, I apprehend that no one but the Attorney General, on behalf of the public, has a right to apply to this court, to check the exorbitance of the party in the exercise of the powers confided to him by the legislature." *Brice's Ultra Vires*, 506-9.

The custom of courts of equity to interfere in such cases, at the suit of private parties, for private injuries, is quite old. It seems to have grown up out of the ancient jurisdiction to restrain waste and nuisance. We shall not attempt to trace it. It is recognized as an established jurisdiction by Lord Hardwick, in 1752. *Fishmonger's Co. v. East India Co.*, 1 Dickens, 168; and particularly as applied to corporations exceeding or abusing their franchises, by Lord Eldon, in 1815. *Agar v. Regent's Canal Co.*, Cooper, 77. In more recent times, as corporations have grown in number and power, cases applying this jurisdiction to them are very numerous. We cite a few at random:

River Dun. N. Company v. North Mid. Railway Company, 1 English Railway Cases, 185; *Blackburne v. Glamorgan Canal Navigation*, 1 Mylne and K., 154; *Oates v. Clarence Railway Company*, 1 Russell & M., 181; *Dawson v. Paver*, 5 Hare, 415; *Broadbent v. Imperial Gas Company*, 7 De Gex M. and G., 487; *Ware v. Regent's Canal Company*, 8 De Gex and J., 212; *London & Brighton Railway Company v. Cooper*, 2 English Railway Cases, 312.

The general grounds of jurisdiction, in favor of private persons as well as the public, are stated by Lord Eldon, in *Blackmore v. Glamorgan Canal Navigation*. "When I look upon these acts of Parliament, I regard them all in the light of contracts made by the legislature, on behalf of every person interested in anything to be done under them; and I have no hesitation in asserting that, unless that principle is applied in construing statutes of this description, they become instruments of greater oppression than anything in the whole system of administration under our constitution. Such acts of Parliament have now become extremely numerous; and, from their number and operation, they affect so many individuals, that I apprehend those who come from them to Parliament, do, in effect, undertake that they shall do and submit to whatever the legislature empowers and compels them to do; and that they shall do nothing else; that they shall do and forbear all that they are required to do and forbear, as well with reference to the interests of the public, as with reference to the interests of the individuals. It is upon this ground that applications are frequently made," etc.

And the jurisdiction is now clearly defined as having two branches, one on behalf of the state, for public wrong, and the other on behalf of private persons, for private wrong, as arising from an excess or abuse of corporate franchise. Relief against public wrong is confined to informations by the attorney general. *Ware v. Regent's Canal Company*, 8 De Gex and J., 212; *Brown v. Monmouth Railway and Canal Company*, 18 Beavan, 82. And it has been held, on the other hand, that the Attorney General cannot maintain information on the ground of mere private wrong. *Attorney General v. Birmingham and O. Railway Company*, 4 De Gex and S., 190 and 8 McNaghten & G., 458. Though doubt is thrown upon this point by the later case of *Ware v. Regent's Canal Company*, 8 De Gex and J., 212.

Be that as it may, the authority of the English chancery to restrain corporate violations injuring or tending to injure public welfare, or to defeat public policy, at the suit of the Attorney General, as stated by Mr. Brice, is now beyond controversy. *Attorney General v. Johnson*, 2 Wilson, 87; *Attorney General v. Forbes*, 2 Mylne and C., 128; *Attorney General v. Eastern Counties Railway Company*, 3 English Railway Cases, 337; *Attorney General v. Great Nor.*

Railway Company, 4 De Gex and S., 75; *Attorney General v. Sheffield Gas Company*, 3 De Gex M. and G., 804; *Attorney General v. Great North. Railway Company*, 1 Drewry and S., 154; *Attorney General v. Mid. Kent Railway Co.*, 3 Chancery Appeal Cases, 100; *Attorney General v. Cambridge Gas Co.*, 4 Chancery Appeal Cases, 71.

The grounds on which this jurisdiction rests are ancient; but the extent of its application has grown rapidly of late years, until a comparatively obscure and insignificant jurisdiction has become one of great magnitude and public import. The modern exercise of this jurisdiction has kept pace with the multiplication of great corporations in England. The cause may be found in the language of Lord Eldon already quoted, and the motive, in the language of Lord Cottenham, three times repeated: "I have before taken occasion to observe that I thought it the duty of this court to adapt its practice and course of proceedings as far as possible to the existing state of society, and to apply its jurisdiction to all those new cases which, from the progress daily making in the affairs of men, must continually arise; and not from too strict an adherence to forms and rules established under very different circumstances, decline to administer justice and enforce rights for which there is no other remedy." 1 Mylne and C., 559; 4 ib., 141, 685.

In our day the common law has encountered in England as in this country, a new power, unknown to its founders, practically too strong for its ordinary private remedies. The growth of great corporations, centers of vast wealth and power, new and potent elements of social influence, overrunning this country with their works and their traffic, throughout all England, has been marvelous during the last half century. It is very certain that the country has gained largely by them in commerce and development. But such aggregations of capital and power, outside of public control, are dangerous to public and private right, and are practically above many public restraints of the common law and all ordinary remedies of the common law for private wrongs. Their influence is so large, their capacity of resistance so formidable, their powers of oppression so various, that few private persons could litigate with them; still fewer private persons would litigate with them, for the little rights or the little wrongs which go so far to make up the measure of average prosperity of life. It would have been a mockery of justice to have left corporations, counting their capital by millions—their lines of railroad by hundreds, and even, sometimes, by thousands of miles—their servants by multitudes—their customers by the active members of society—subject only to the common law liabilities and remedies which were adequate protection against turnpike, and bridge and ferry companies, in one view of their relations to the public; and, in another view, to the same liabilities and remedies which were found sufficient for common carriers who carried passengers by a daily line of stages, and goods by a weekly wagon, or both by a few coasting or inland craft; with capital and influence often less than those of a prosperous village shopkeeper. The common law remedies, sufficient against these, were, in a great degree, impotent against the great railway companies—always too powerful for private right, often too powerful for their own good. It was in these circumstances that the English courts of equity applied their restraining jurisdiction, at public or private suit, and laid on these great companies the strong hand of equitable control. And all England had occasion to bless the courage and integrity of her great judges who used so ably and so freely and so beneficially the equity writ, and held great corporations to strict regard to public and private right. Every person suffering, or about to suffer their oppression, by a disregard of corporate duty, may have his injunction. When their oppression becomes public, it is the duty of the Attorney General to apply for the writ on behalf of the public. And in this country, where the judicial tone is less certain, it is refreshing to read the bold and true words of which English Equity judges do not spare the utterance. One of these corporations having violated an injunction, V. C. Shadwell says: "Considering then their conduct to be at once contumacious and otherwise illegal, to be wrongful against the plaintiff individually, wrongful against the Queen's subjects at large, and of, I had almost said, scandalous example; whatever amount of inconvenience may be the consequence of acting against the defendants on this occasion, I think it right to deal with them according to their merits. The consequence may

possibly be to stop the railway. I answer again that it ought to be stopped, for it passes where it does by wrong. The directors of the company and their agents cannot, on this motion, at present, be committed to prison; but what can be, shall be done, to repress a daring invasion of public and private rights, maintained in open defiance of law, authority and order. Let a sequestration issue." *Att'y Gen. v. Great North. Railway Co.*, 4 De Gex and S., 98. A great example of authority, in proper cases, for all American judges.

And it is not unimportant to observe that this broad English jurisdiction was well established and publicly recognized at the time of the adoption of our state constitution.

It was, however, strenuously denied that it had been adopted in this country or could be upheld by the current of American authorities.

We have not found this jurisdiction as directly and succinctly stated in American treatises as in English, although it is fully recognized by the best of our elementary writers. Judge Redfield says that "injunctions in courts of equity, to restrain railways from exceeding the powers of their charters, or committing irreparable injury to other persons, natural or artificial, have been common, for a long time, in England and this country." 2 Redfield on Railways, 307. Nearly all the chapter of this work (ch. 39), from which we quote, is full of instruction on the question, and directly recognizes, especially in the valuable notes, the same jurisdiction of courts of equity in this country, both at the suit of private persons for private wrongs and of the Attorney General for public wrongs, as that exercised by the English chancery. Later in the chapter he says that the equitable jurisdiction by injunction goes upon the ground of nuisance. As, indeed, any intrusion upon public right is in the nature of *pourpresture*. The ancient jurisdiction to restrain nuisance, is perhaps the most direct ground of the modern jurisdiction under consideration. And the former is fully asserted as an American jurisdiction, as to remedies both by private persons and by the Attorney General for the public. 2 Story's Eq., sec. 920-923.

The remedy by injunction, at the suit of private parties, for private wrong, is recognized and enforced in a great number of American cases. *Gardner v. Newburgh*, 2 Johns. Ch., 162; *Belknap v. Belknap*, 2 Johns. Ch., 463; *Couch v. Turnpike Co.*, 4 Johns. Ch., 26; *Jerome v. Ross*, 7 Johns. Ch., 315; *Osborn v. United States Bank*, 7 Wheat., 738; *Bonaparte v. Camden & A. R. R. Co.*, Baldwin, 205; *McArthur v. Canal Co.*, 5 Ohio, 139; *Ross v. Paige*, 6 Ohio, 166; *Mohawk Bridge Co. v. Utica & S. R. R. Co.*, 6 Paige, 554; *Delaware & Ma'y. R. R. Co. v. Stemp*, 8 Gill. & J., 479; *Rowe v. Granite Bridge Co.*, 21 Pick., 344; *Browning v. Camden W. R. R. Co.*, 3 Green, 47; *Jordan v. Phil., W. & B. R. R. Co.*, 3 Wharton, 502; *Newburyport T. Co. v. Eastern R. R. Co.*, 23 Pick., 326; *Bigelow v. Hartford Bridge Co.*, 14 Conn., 565; *O'Brien v. Norwich & Wor., R. R. S. Co.*, 17 Conn., 372; *Moorhead v. Little Miami R. R. Co.*, 17 Ohio, 340; *Kean v. Central R. R. Co.*, 1 Stockton, 201; *Newhall Galena & C. U. R. R. Co.*, 14 Ill., 273; *Boston L. R. R. Co. Salem & I. R. R. Co.*, 2 Gray, 1; *Sanford v. R. R. Co.*, 24 Penn. St., 378; *Bell v. Ohio & P. R. R. Co.*, 25 Penn. St., 161; *Water Comm. v. Hudson*, 2 Beasley, 420.

There are more cases to the same effect; an unbroken line of decisions, of the most respectable authority, converging some half a century; most of them going on excess or abuse of corporate franchise, and all full sustaining equitable jurisdiction in case of private wrong. They seem to establish the jurisdiction of courts of equity in this country, as conclusively as it is established in England, of private suits to restrain private wrong arising from excess or abuse of power by corporations.

In such cases, public wrong may be considered only as an aggregation of private wrongs. And, the jurisdiction once established to enjoin private wrong, in each case, at the suit of the person wronged, it is almost a logical necessity to admit the other branch of the jurisdiction, to enjoin, at the suit of the state, such a general wrong, common to the whole public, as interests the state, and could be remedied by private persons by a vast multitude of suits only, burthensome to each and impracticable for very number; more conveniently, effectively and properly represented by the Attorney General as *parens patriæ*. But jurisdiction of informations of this nature has sometimes been denied here. Courts of equity in this country, singularly enough, being sometimes more timid to control corporate power, and less willing to protect

the public against corporate abuse, than the English chancery. In both branches of the jurisdiction, it proceeds as for *quasi* nuisance and it is difficult to understand why the jurisdiction should be asserted as to private nuisance, and denied as to public nuisance; why, for the same cause, individuals should have a remedy denied to the aggregate of individuals, called the public. But, as we remarked before, in this regard, the judicial voice in America is less certain in tone than in England. We should be willing to follow the English rule, in this state, unless there were a preponderance of American authority against it. But fortunately we find this wholesome jurisdiction sustained here by the great weight of authority, and with modern experience, we deem it only a question of time when it must be universally asserted and exercised.

In *Bigelow v. Hartford Bridge Co.*, *supra*, Storrs, J., takes occasion to say: "Indeed, it is upon the ground of particular injury to the plaintiff, distinct from what he suffers in common with the rest of the public, that all applications against what is a public nuisance is sustained. And there is no good reason why, apart from such special injury, relief should be granted in this mode, at the instance of a particular individual. Courts of equity, in this respect, proceed on the principle which prevails in courts of law, that an action will not lie in respect of a public nuisance, unless the plaintiff has sustained a particular damage from it and one not common to the public generally. To preserve and enforce the rights of persons as individuals, and not as members of the community at large, is the very object of all suits, both at law and in equity. The remedies which the law provides in cases where the rights of the public are affected are ample and appropriate; and to them recourse should be had when such rights are violated. The courts of equity in England will indeed sustain informations, not by individuals, but at the suit of the Attorney General or the proper crown officer, for the purpose of abating public nuisances and what are termed *pourprestures*. That mode of proceeding has been, however, hitherto unknown here, and whether it would be tolerated in any case it is unnecessary to consider." 14 Conn., 578.

This is not a very accurate statement of the jurisdiction, which does not go to abate, but to restrain, which is the very ground of it, as distinct from legal remedies. The court holds the jurisdiction in cases of private nuisance and of public nuisance inflicting particular injury, at the suit of an individual, and questions it at the suit of the state. It is not easy to comprehend why the remedy should avail against the less evil, and not against the greater; why equity should interpose to restrain what affects one person only, and refuse its protection against what affects all persons; in the case of a public nuisance, restrain it at the suit of one whom it especially aggrieves, and refuse to do for the public whom it equally aggrieves. The reason assigned signally fails, for remedies at law reach private as well as public nuisances.

If, in saying that the remedy by information in behalf of the state was hitherto unknown there, the court meant in Connecticut, it was probably correct; if in the United States, it was certainly mistaken.

Bigelow v. The Hartford Bridge Co. was decided in 1842. As early as 1834, the jurisdiction was entertained and asserted by the court of chancery of New Jersey, in *Attorney General v. New Jersey R. R. Co.*, 2 Green, 136. The Chancellor says:

"It would seem, at first, incongruous and improper for this court to interfere in cases of public nuisance. The very fact that nuisances of that character are offenses against the community, and necessarily savor of criminality in a greater or less degree, would seem to distinguish them as matters not proper to be dealt with by this court. But the jurisdiction of chancery, to a certain extent, in cases of public nuisance, appears to be admitted, although it has been very rarely exercised. It is asserted by Lord Hardwick in *Baines v. Baker*, Ambler 159; 3 Atkins, 750; and is considered as existing by Lord Eldon, in the case of the *Attorney General v. Cleaver*, 18 Vesey, 211. He speaks with caution on the subject, as though it were new but not disputed ground. Chancellor Kent, in *Att'y Gen. v. Utica Ins. Co.*, 2 Johns. Ch., 371, appears rather to question the jurisdiction; considering that the cases of *pourpresture* which have often occurred in the Court of Exchequer on the equity side, differ in some important particulars from a strict case of public nuisance. He seems to think that the case of *Baines v. Baker*, before Lord Hardwick,

has been misunderstood. It was a bill filed by one individual against another, to stay building an hospital for people infected with the small-pox, very near the homes of several tenants of the plaintiff. The court said, If it were a nuisance at all, it was a public nuisance; that bills of that sort were founded on nuisances at common law, and if a public nuisance it should be an information in the name of the Attorney General; and then it would be for his consideration whether he would file such information or not. Chancellor Kent throws out a doubt whether it was not meant that the Attorney General might file an information in the King's Bench. Such has not been held to be the meaning by English lawyers or courts, and it appears to me their construction is the right one."

This is feeble language compared with the English cases cited. It is certainly not true in our day, that the English courts rarely exercise the jurisdiction; and the caution which the Chancellor attributes to Lord Eldon has long since passed out of the court. It may be safely assumed that the Chancellor of New Jersey who asserted the jurisdiction then, would be less timid in doing so now. But in that day he adds:

"The very fact, however, that there may be a doubt on the subject by intelligent jurists, should be sufficient to induce caution on the part of this court. In cases of public nuisance there is an undisputed jurisdiction in the common law courts by indictment, and a court of equity ought not to interfere in a case of misdemeanor, when the object sought can be as well attained in the ordinary tribunals." And so, asserting the jurisdiction, he denied the motion.

In 1836, notwithstanding the cases presently noticed in 2 Johns Ch.—and Hopkins, Chancellor Walworth asserted and enforced the jurisdiction in New York. The Attorney General filed an information to restrain the defendant corporation, claiming a right so to do, from tapping a canal. The Chancellor sustained the jurisdiction and the injunction, saying:

"This court has jurisdiction to restrain any poupresture or unauthorized appropriation of public property to private use, which may amount to a public nuisance, or may injuriously affect or endanger the public interest. And when the officers entrusted with the protection of such public interests, acting under the sanction of their official oaths, believe the intended encroachment will prove injurious to the navigation of the canals, private persons should not be permitted to interfere with the waters or embankments of the canals, contrary to law, upon a mere opinion, although under the sanction of an oath, that the intended trespass upon the public rights would not be an injury to the public. *Att'y General v. Cahoes County*, 6 Paige, 133. In emergency, the New York chancery overlooked Chancellor Kent's coy doubts and nice subtleties, and assumed the jurisdiction which he had involved in such learned obscurity.

In *Georgetown v. Alexandria Canal Co.*, 12 Peters, 91, which was a bill to restrain the defendants from erecting a nuisance under their charter, decided in 1838, in the supreme court of the United States, thus state the jurisdiction:

"Were it even admitted that the canal company had exceeded the authority under which they are acting, nevertheless, as the Potomac river is a navigable stream, a part of the *jus publicum*, any obstruction to its navigation would, upon the most established principles, be what is declared by law to be a public nuisance. A public nuisance being the subject of criminal jurisdiction, the ordinary and regular proceeding at law is by indictment or information, by which the nuisance may be abated, and the person who caused it may be punished. If any particular individual may have sustained special damage from the erection of it, he may maintain a private action for such special damage, because to that extent he has suffered beyond his portion of injury in common with the community at large. Besides this remedy at law, it is now settled that a court of equity may take jurisdiction in cases of public nuisance, by an information filed by the attorney general. This jurisdiction seems to have been acted on with great caution and hesitancy. Thus, it is said by the Chancellor in 18 Vesey, 217, that the instances of the interposition of the court were confined and rare. He referred, as to the principal authority on the subject, to what had been done in the court of exchequer, upon the discussion of the right of the attorney general, by some species of information, to seek, on the equitable side of the court, relief as to nuisance and preventive relief. Chancellor Kent, in 2 Johns., ch. 382, remarks that the equity

jurisdiction in cases of public nuisance, in the only case in which it had been exercised, that is, in cases of encroachment on the King's soil, had lain dormant for a century and a half; that is, from Charles I. down to the year 1795. Yet the jurisdiction has been finally sustained, upon the principle that equity can give more adequate and complete relief than can be obtained at law. Whilst, therefore, it is admitted by all, that it is one of delicacy, and accordingly the instances of its exercise are rare, yet it may be exercised in those cases in which there is imminent danger of irreparable mischief before the tradiness of the law could reach it."

These views were adopted by the United States circuit court of Michigan, in the same year, on a bill of injunction against a nuisance. The court asserts both branches of the jurisdiction in equity, and says:

"No individual has a right to prosecute for a public nuisance, in his own name or at his own instance, in this form of action, unless the nuisance be irreparably injurious to himself. The United States, through their law officer, might well ask to have this nuisance, if it shall be one, abated; but the special and private injury to an individual is the only ground on which he can ask relief against it." *Spooner v. McConnell*, 1 McLean, 337.

And the same views were again recognized and affirmed by the supreme court of the United States, in 1851, in *Pennsylvania v. Wheeling Bridge Co.*, 13 Howard, 518.

The same question came before the supreme court of Pennsylvania in 1854, at the suit of the Attorney General against a railroad company, to restrain them from filling up a canal in the construction of their road, under their franchise. The court says:

"The boldness of this act seems almost like a studied test of the vigilance of the canal commissioners, and of the efficiency of the remedies which the state has provided for the prevention of injuries. It is hoped that the equity remedy, being somewhat unusual and peremptory in its character, will not be applied to an act which does so little injury. But writs of *capias*, *replevin*, *foreign and domestic attachment*, *estrepement*, *prohibition* and *habeas corpus*, are quite as efficient and peremptory in their power, and most of them much more easily obtained, and yet they are common law writs. And *estrepement* applies to many of the same cases as *injunction*, and may issue without bail. And so it was once with the *prohibition*. In most of the cases, moreover, in which we hear this objection to the *injunction*, the common law allows more speedy remedy, for it permits the injured party to redress himself by driving off the wrong-doer.

"The argument that there is no irreparable damage would not be so often used by wrong-doers, if they would take the trouble to observe that the word 'irreparable' is a very unhappily chosen one, used in expressing the rule that an *injunction* may issue to prevent wrongs of a repeated and continuing character, or which occasion damages which are estimable only by conjecture and not by any accurate standard. 3 *Railway Cases*, 106, 345; *id.*, 186; 1 *Sim and Stuart*, 607; 3 *Atkins*, 21; 3 *Johns*, ch. 501; 16 *Pick.*, 525; 3 *Wharton*, 513. As this argument is generally presented, it seems to be supposed that *injunctions* can apply only to very great injuries; and it would follow that he who has not much property to be injured, cannot have this protection for the little he has.

"Besides this, where the right invaded is secured by statute or by contract, there is generally no question of the amount of damage, but simply of the right. He who grants a right cannot take it away, even on giving a better, without a new agreement for the purpose. 19 *Eng. L. & E.*, 287; 16 *Pick.*, 525; 4 *Simons*, 13; 8 *Weed*, 99; 8 *Paige*, 351; 2 *Swanston*, 253. And such was our decision in the late case of the *Western Saving Fund Co. v. Philadelphia*.

"And so it is where the public rights are invaded. In the case of the *Attorney General v. The Cahoes Co.*, 6 *Paige*, 183, there was an offer to tap the state canal for a mill purpose, and it was stopped by *injunction*, without any regard to evidence tending to disprove damage. And in *Downing v. McFadden*, 18 *State R.*, 384, we justified the keepers of the public works in abating a house that encroached upon the embankment of a railroad, though a jury had found that it did no injury.

"And when railroad companies or individuals exceed their statutory pow-

ers in dealing with other people's property, no question of damage is raised when an injunction is applied for, but simply one of the invasion of a right. 1 Railway Cases, 185; 4 Mylne & C., 254. And railway companies will not be allowed to exercise their discretion capriciously. 1 Railway Cases, 288; but the court will supervise their discretion, as in seeing that they shall not take more land than is needed, nor take any land merely in order to get earth for embankments. 1 id., 576; 4 Mylne & C., 116; and that they do not unnecessarily affect a mill-race by too small an arch over it. 1 Russell and M., 181; 2 Railway Cases, 280.

"Railway companies must stand upon a strict construction of their chartered privileges. 21 State R., 22; 9 Beavan, 391; 2 Mann and Granger, 184; 7 id., 253; 1 Railway Cases, 576; 8 id., 568; 21 Eng. L. & E., 620. With the immense powers that are freely and loosely given to them, this much restraint is essential to the protection of private rights. 1 Railway Cases, 154, 504, 686; 4 Mylne & C., 120.

"If they step one inch beyond their chartered privileges to the prejudice of others or of the stockholders, or offer to do any act without the prescribed preliminary steps, they are liable to be enjoined, irrespective of the amount of damage." *Commonwealth v. Railroad Co.*, 24 Penn. St., 159.

There is no doubt or hesitation here. Time and experience had done their work; as the court says, referring to the English cases: "Such, at least, is the practice elsewhere, and it may be well for us to learn from the experience of others." And the same doctrine is reaffirmed by the court, in 1867, in *Spurhawk v. U. P. Railway Co.*, 54 Penn. St., 401.

The question came again before the New Jersey chancery and court of errors in 1853, upon information and bill to restrain a corporation from exercising their franchises by the erection of a public nuisance. The Chancellor refused a preliminary injunction, but briefly and clearly asserted the jurisdiction. He says:

"I have no doubt of the power of the court to interpose in this case by injunction; nor of the propriety of its exercising that peculiar jurisdiction, if, as alleged, the defendants, under and by virtue of the power of the legislature, conferred upon the Patterson and Hudson River Railroad Company, to bridge the river Passaic, are obstructing the navigation of that river, in violation of the provisions of the act from which they derive their authority."

The Court of Errors reversed the order of the Chancellor and granted the injunction, stating the doctrine in the language of Story's Equity. "In regard to public nuisances," says Justice Story, "the jurisdiction of Courts of Equity seems to be of very ancient date, and has been distinctly traced back to the reign of Queen Elizabeth. The jurisdiction is applicable not only to public nuisances strictly so called, but also to pourprestures upon public rights and property, as public rivers," etc. *Att'y Gen. v. Hudson River R. R. Co.*, 1 Stockton, 526.

And again in 1855, upon an information and bill to restrain abuse of corporate franchise, Chancellor Halsted had allowed a preliminary injunction, in an opinion in which, after his few authoritative words in the case last cited, he tacitly assumes the jurisdiction. A motion for attachment for violation of the injunction was heard before Green, C. J., sitting for Chancellor Williamson, who had succeeded Chancellor Halsted, and had been of counsel in the cause. Chief Justice Green reviews the merits of the case at great length, without a word said of jurisdiction, and sustains the information on the merits. He gives a second opinion on the merits, upon exceptions taken, with the same significant silence. Elmore, J., delivers the judgment of the Court of Errors on appeal, at some length, affirming the orders of chancery, with the same tacit recognition of the jurisdiction, as one not to be doubted. An eloquent silence, following twenty-one years after the faltering opinion in *Att'y Gen. v. N. J. R. R. Co.*, *supra*.

We can see nothing in conflict with these cases in the intermediate case of *Att'y Gen. v. Paterson*, 1 Stockton, 624, cited for the defendants, which is indeed a confirmation of the jurisdiction.

In 1865, in Pennsylvania, one corporation filed a bill against another to enforce the charter obligations of the defendant. The court holds that, suffering no special injury, the plaintiff could not maintain the bill, and thus, after much similar discussion, assigns the reason of the judgment:

"It is plain, therefore that a private individual may not, in the absence of a special right or special authority, vindicate the public for breach of duties owing to her alone. Nobody will doubt that he may enforce against public corporation, contracts and duties which they ought to perform towards him-himself; and, in doing this, sometimes the public interests are subserved, and this is all right. But it is his special interest that gives him the right to act. This might be enough for this case; but it may not be out of place to add that we have no doubt but the remedy by a bill for an injunction, sued out on the part of the commonwealth, by the Attorney General, would lie against a company to compel them to observe their charter obligations. It would, in this case, be a substitute for a *mandamus*, and come within the power given to courts of equity to control corporations other than municipal." *Buck Mountain O. Co. v. Lehigh Coal and N. Co.*, 50 Penn. St., 91.

The same question came before the supreme court of Missouri, in 1873, upon an information in equity, against a municipal corporation. Shepley, C. J., in delivering the opinion of the court, reviews the cases at great length, and sustains the jurisdiction. This is his general conclusion:

"It seems to me that, both on principle and authority, this proceeding is maintainable, and that, while in the case of private corporations, the courts of this country will sustain the conclusions arrived at in 2 Johns. Ch., 371, in 103 Mass., 138, and 104 Mass., 289, that the writ of *quo warranto* affords ample and efficient remedy for violation of its charter or misuse or abuse of its powers; and that, therefore, this form of proceeding will not lie; the powers of the state, through its proper legal officers, to restrain public corporations from a violation of the law will be sustained." *State v. Saline Co.*, 51 Mo., 350.

There is a strong presumption that the term private corporations, as here used, is intended to designate private trading corporations; and the term, public corporations, to include all *quasi* public corporations, whose relations with the public involve public interests and public questions. This is indicated by the cases in Massachusetts on which the distinction is rested, and the language of the court in those cases; and seems to follow from many other cases cited and commented on, which certainly do not confine the remedy to private corporations, in the sense in which these defendants are such. And, indeed, it is not easy to see how a private trading corporation could cause public injury by a mere abuse or excess of franchise, or otherwise than as a natural person might. This construction of Judge Shepley's language is confirmed by the additional opinion of Judge Bliss, who discusses the question at some length, and recognizes no such qualification of the jurisdiction. He says:

"How much more adequate the remedy that prevents the doing of any legal wrong, than those that are merely punitive, or that compel every tax payer to prosecute." "I am aware that the jurisdiction of a court of equity, by injunction, even to restrict a public nuisance, has been denied in Massachusetts under their statute, (*Hale v. Cushman*, 6 Metc., 425), but is established in England, and generally admitted in the United States; and the rule as to the proper plaintiff is, I believe, universal."

And this is further confirmed by the dissenting opinion of Wagner, J. He objects to the jurisdiction assumed, as injuriously affecting the rights of stockholders, which must mean those of *quasi* public corporations. And we feel safe in assuming that, so far as it is necessary here, this decision is in accord with the others cited on this point.

In our investigations of this question, we have carefully examined all the authorities cited at the bar, and many others. It is probable that there may be others, which have escaped our attention. But we think that we have sufficiently shown that the jurisdiction has long been asserted and is very generally recognized in the United States. And, before leaving this review of the authorities sustaining the jurisdiction, we wish to quote the terse and comprehensive statement of its scope, given by the supreme court of Pennsylvania: "This remedy extends to all acts that are contrary to law, and prejudicial to the interests of the community and for which there is no adequate remedy at law." *Kerr v. Trego*, 47 Penn. St., 293.

Two cases in Massachusetts were cited for the defendants, as denying the jurisdiction. They do not seem to us to do so.

The Attorney General v. Salem, 103 Mass., 188, was an information in the nature of *quo warranto* against a municipal corporation for failure of duty. The court holds that the remedy does not lie in the case, for reasons not pertinent here. It was, perhaps, a case for mandamus. Having so decided the case, Morton, J., adds:

"But the plaintiffs urge that this proceeding may be treated as a proceeding for general relief on the equity side of the court. If the necessary amendments were made to change it into an information or a bill in equity, we are of opinion that it still could not be sustained. Whether, in this state, in the absence of any express grant of jurisdiction, the attorney general can bring a bill of equity to redress any public wrong or grievance, need not be decided. It is clear that such a bill cannot be sustained for a private wrong. In this case, the grievance complained of is not a public wrong, in which every subject of the state is interested; and therefore cannot be redressed by a public prosecution or proceeding."

This was only a refusal to pass upon the question, because the question was not before the court. The refusal certainly implies a doubt, very much such as that suggested by the supreme court of Connecticut. But the doubt, even of such respectable tribunals, cannot weigh against so much solid authority.

The Attorney General v. Tudor Ice Co., 104 Mass., 239, was an information on the relation of a private person, to restrain the defendant from trading outside of its franchise. The court says:

"The Tudor Ice Co. is a private trading corporation. It is not in any sense a trustee for public purposes. The acts complained of are not shown to have injured or endangered any rights of the public, or any individual or other corporation, and cannot, under any legal construction, be held to constitute a nuisance." "No case is therefore made, upon which, according to the principle of equity jurisprudence and the practice of this court an injunction should be issued upon an information in chancery."

This disposes of the case. But the court proceeds to quote, with implied approbation, *Att'y Gen. v. Utica Ins. Co.*, *infra*, and *Att'y Gen. v. Reynolds*, 1 Eq. C. Abr, 181; and to make this comment on later English cases:

"The modern English cases, cited in support of the information, were of suits against public bodies or officers exceeding the powers conferred upon them by law, or against corporations vested with the power of eminent domain, and doing acts which were deemed inconsistent with the rights of the public."

Without stopping to consider the accuracy of this comment, we content ourselves with the remark that no doubt is implied of the jurisdiction of such informations as those now before this court.

After some particular comments on certain English cases, the court proceeds to state the position of Massachusetts on this question, thus:

"However that may be, by our statutes the general equity jurisdiction of this court is limited to cases where there is no plain, adequate and complete remedy at law, as well in suits by the commonwealth as those brought by private persons. Gen. Stat., ch. 113, sec. 2."

This shows that the court seems to think their jurisdiction in such cases, crippled by statute. And yet that court has, not only in the cases above cited, sustained private suits within the jurisdiction in question, but appears to have acted on the public branch of that jurisdiction in several cases. It is true that they are cases of nuisance, but they seem to us to be within the broad principles laid down in England and in this country. *Att'y Gen. v. Boston Wharf Co.*, 12 Gray, 553; *Dist. Att'y v. Lynn and B. R. R. Co.*, 16 Gray, 242; *Commonwealth v. Smith*, 10 Allen, 448. The case in 16 Gray appears to us fully to support the jurisdiction of equity to restrain corporations from excess or abuse of franchise.

Other cases outside of New York were cited against the jurisdiction; but on examination we cannot consider any of them as having bearing and weight upon the question. But the cases in New York require consideration.

In that state the authorities are conflicting, and do not appear to us to rest on distinct and settled principle. We have already cited several cases decided by Chancellor Kent and other judges, sustaining the private remedy in equity against nuisance, and one case sustaining the public remedy. And

the last case which we have seen in the Court of Appeals sustains the public remedy in equity. *People v. Vanderbilt*, 26 N. Y., 287.

The jurisdiction, as applied to abuse or excess of corporate franchise, is denied in the last case we have seen in that court on the precise question. *People v. Albany and Vt. R. R. Co.*, 24 N. Y., 261.

We have been referred to several cases, in other courts of that state, for and against the jurisdiction. For it are *Davis v. Mayor, etc.*, 2 Duer, 663; *People v. Mayor, etc.*, 32 Barb., 102; *People v. Albany and Vt. R. R. Co.*, 37 Barb., 216, reversed in 24 N. Y., 261. Against it are *dicta* of Vice Chancellor McCoun in *Verplanck v. Mercantile Ins. Co.*, 1 Edwards, 88, and of Strong, J., in *Smith v. Lockwood*, 13 Barb., 219; *People v. Minor*, 2 Lansing, 407, and *People v. Albany and Ver. R. R. Co.*, *supra*.

We must accept this last case as authoritative on the precise point, for the present, in New York; though in view of all the authorities, it is difficult, at this day, to reconcile it in principle with the latter case of *People v. Vanderbilt*. The latter case goes on the ground of pourpresture, which is a special kind of public nuisance. The common law defines a nuisance as anything unlawful, which works hurt, inconvenience or damage; and a pourpresture, formerly an intrusion on the King's soil, is now defined as an encroachment upon public rights or property. It is easy to understand how the courts have, of late, applied both terms to unlawful excess or abuse of corporate franchise, as an encroachment upon and a hurt to public rights. But it is difficult to appreciate how the courts of New York continue to adhere to the physical meaning of pourpresture, in the light of all the modern authorities, and to relieve the public and individuals against material nuisance, and refuse to relieve the state against the most serious form of pourpresture, only because it is immaterial.

And we must be permitted to remark that the opinion of the court in 24 New York, is destitute of authority cited to uphold it; rests on the unsupported *dictum* of the court; and, however respectable in itself, and for the authority of the court which utters it, does not compare favorably with the able and learned opinions of Duer, J., in *Davis v. Mayor, etc.*, and of Hogeboom, J., in *People v. Mayor, etc.* In face of all the authorities, and apparently ignoring them, it disposes of the question of jurisdiction in this brief and bare sentence: "Any remedy which the public may have for a breach or neglect of duty imposed by the railroad act, must be by *mandamus*, *quo warranto* or indictment; and the performance of such duty cannot be specifically enforced in equity at the suit of the attorney general." Outside of New York, this opinion can weigh little against the current of authority.

We are led to believe that the singular and erratic course of the New York courts on this subject is somewhat attributable to the case of *Attorney General v. Utica Ins. Co.*, 2 Johns. Ch., 371, in 1817, followed in 1825 by *Attorney General v. Bank of Niagara*, Hopkins, 354.

Whatever degree of deference might be due, in this day, to the decision of so illustrious an equity Judge as Chancellor Kent, made at so early a day, we are unable to regard *Attorney General v. Utica Ins. Co.* as authority against the jurisdiction under consideration. It was an information in equity by the Attorney General for an injunction against the corporation to restrain it from usurping banking powers. The court held that no injury to the public or private persons was averred or apparent; which, in that day, if not now, would be adequate ground for dismissing the information. But the court goes on to discuss the equitable jurisdiction of nuisance and kindred cases, and incidentally denies the authority of equity to enjoin excess of corporate franchise; though the Chancellor leaves room for an inference that he might have held otherwise, had a public evil been averred or apparent. It must be borne in mind that this was long before the era of great corporations in this country, and that the modern practice of courts of equity in England and this country, of applying the equitable remedy against nuisance to abuse of corporate franchise was nearly or quite unknown. And the Chancellor, passing from the single point of his decision, brings all his great learning to bear on all collateral questions, in such variety and at such length, that it is not altogether easy to discover what his precise views were on many subjects discussed. We adopt the view of Chancellor Vroom, *supra*, that Chancellor Kent only "appears rather to question the jurisdiction." Be that as it may,

it doubtless misled many, as V. C. McCoun, in *Verplanck v. Mercantile Ins. Co.*, to think that the decision was against the jurisdiction under any circumstances. And, with all our admiration of his learning and deference for his authority, and veneration for his judicial qualities, we cannot help feeling that, as in the case of the exercise of the right of eminent domain, the great Chancellor misled the courts of New York into error on this question also. In the one case, it took them some quarter of a century to return to sound principles. In the other, they have not yet done so. So mischievous is the sanction of a great name to error.

It is hardly necessary to add that we sustain the jurisdiction to enjoin a corporation from abuse or excess of franchise, or other violation of public law, to public detriment, on information in equity, filed *ex-officio* by the Attorney General.

It will be perceived that we do not found our jurisdiction on ch. 148, secs. 13 and 14, R. S. We quite agree with the counsel for the defendants, that these sections confer no jurisdiction on this court. Whether they operate to limit the jurisdiction of the Circuit courts, or are only declaratory of the jurisdiction which we hold to exist outside of them, we need not consider here. It is certain that they do not limit the jurisdiction of this court, if it be competent for the legislature to limit it.

The jurisdiction which we claim for this court puts the writ of injunction to a prerogative use. And we are strongly inclined to think that our views of our jurisdiction of these informations, follow almost logically from our views of our jurisdiction of the writ as a *quasi* prerogative writ. And we have illy expressed ourselves and illy applied the authorities quoted, if we have not already made it apparent that we consider this jurisdiction, in this court, a necessary and most salutary one for the preservation of public right and public authority.

It was objected to the exercise of the jurisdiction in these cases, that it would deprive the defendants of the right of trial by jury, secured by sec. 5, art. I, of the state constitution, extending to all cases at law.

It has been held by this court that this constitutional guarantee does not extend to cases in equity, including such cases of legal right as, by the practice of courts of equity, had become of equitable cognizance, at the time of the adoption of the constitution. *Stillwell v. Kellogg*, 14 Wis., 461, affirmed in several late cases cited in Vilas & Bryant's notes.

The constitution was adopted in 1848. And the English cases prior to that time are authority to show this equitable jurisdiction. For it was fourteen years later that the court of chancery was authorized by act of parliament to determine all questions of law and fact, with one qualified exception. 25 and 26 Vic., ch. 42, sec. 1. And the English and American cases cited show that this jurisdiction was an established equitable jurisdiction, at the time the constitution was adopted.

But were this otherwise, we cannot perceive of what trial by jury, of what legal right, these informations can deprive the defendants. Their whole defence rests in questions of law. There is no fact for them to reverse, except their violation of the law. And their denial of this, if indeed they are to be taken as denying it, is manifestly formal only. And, if it were a *bona fide* denial, these proceedings would not deprive them of any legal right triable by jury. If the law be valid, they are bound to obey it. If they are obeying it, the jurisdiction cannot harm them or deprive them of any trial. If they are not obeying it, there is nothing involved here to be tried. The objection is specious, but is only specious.

The question is not here, and we shall not consider it, whether, under our practice, we could take equitable jurisdiction of a case in which a legal right is involved triable by jury, and provide for a trial of that right by a jury, so as to satisfy the provisions of the constitution.

It was also urgently pressed upon us that, all other questions apart, no equitable proceeding would lie to enforce chap. 273 of 1874, because it furnishes its own remedies by providing penalties against the corporations violating it. We do not consider the rule on which the defendants rely, applicable to cases of this character, and should probably hold so in these cases, if the fact were as stated. But we shall not discuss the question, because it is not here. These informations go to enforce the rates fixed by the statute it-

self, not rates fixed by the Commissioners. It does not appear that the Commissioners have fixed any rates or classified any articles of freight. And for violations of the rates fixed by the act itself, no penalties are provided against the corporations; certain civil remedies are given, but no penalty. There are penalties against agents, but the remedy against the corporations is a distinct thing from the liability of their servants, as individuals, for violation of public law mandatory upon them as private citizens.

This is, perhaps, as appropriate a place as we may find to notice an objection taken to the informations. It is said that they aver no specific injury to the public. Such an injury, in such a case, is a conclusion of a fact, rather than a fact. The injury is a logical sequence of the facts. The acts of the defendants charged give the jurisdiction; and it is for the court to judge of the consequent evil. Many of the cases cited import, and some of them express, the rule governing such cases. It is not the averment of the pleader, but the nature of the acts pleaded, which is material on the questions of public injury. The conscience of the court must be satisfied; and it may be satisfied or not, with or without averment. If an information should aver public mischief, where the court could see that there was none, the averment would go for nothing. So, without averment, it suffices that the court can see the public injury. It was hardly questioned that, in these cases, a public injury is apparent in the acts charged against these defendants. Directly or indirectly, this injury reaches every inhabitant of the state, and affects the whole state in its corporate capacity. It was, indeed, confidently foretold by the counsel for the defendants that obedience to the law would work a still greater public injury. Upon that, it is not for us to speculate. And if we could, we cannot sit here to offset a speculative injury arising from obedience of law, against a positive injury arising from disobedience of law. In these days of self-judging insubordination, it would ill-become this court to set so bad an example of compromise between the right and wrong. We cannot look to the consequences of legislation. Let the legislature see to that. We have no discretion. We, at least, must obey the law. We can only see the direct public injury. And the acts charged satisfy the conscience of the court of the public injury. If the acts be illegal that is sufficient.

Whether an information of this character would lie, as suggested by Mr. Brice, even though no definite injury had been done, or was likely to be done, to the public, we are not called upon to decide in these cases.

III. These questions of jurisdiction settled, still leave some preliminary matters to be considered, before we can reach the provisions of chapter 273 of 1874, which the informations charge that the defendants disregard and violate.

The act has many provisions not material in these cases. And this is a convenient place to state briefly the provisions which are material to any consideration involved here. The act classifies all the railroads of the state; fixes different *maximum* rates for passengers for each class of roads; classifies certain specified articles of freight; fixes *maximum* rates for each of the classes of freight, differently affecting different classes of roads; provides civil remedies against the companies, and penalties against their servants, for taking greater rates than those fixed by the act; provides for railroad commissioners, and gives them authority to classify articles of freight not classified by the act, and to reduce rates of freight; and provides civil remedies and penalties against the companies for taking greater rates than those fixed by the commissioners.

It does not appear that the commissioners have acted in any way under the act; and the question of the validity of their powers is, therefore, not here.

The act was approved by the Governor, March 11. It is contended for the defendants that it was repealed by chapter 292 and 341 of the same session; both approved by the Governor March 12. We have informed ourselves that the three acts passed the legislature in the same order in which they were approved.

This is a question of constructive repeal. In *Attorney General v. Brown*, 1 Wis., 513, this court adopted the uniform rule governing such cases. If there be two affirmative statutes upon the same subject, one does not repeal

the other, if both may consist together; and we ought to seek for such a construction as will reconcile them together.

Section 2, of chapter 292, in which the repeal by that act is claimed, amends sec. 55 of the general Railroad act of 1872. The section amended provides that existing companies shall have all the powers and be subject to all the duties prescribed by that act. The amendment provides that they shall have all the powers of the general Railroad act and of their charters. It seems to us that the intention of the amendment is very manifest; and it is a question of legislative intention. The amendment was probably adopted *ex abundanti cautela*, to remove any possible doubt that the franchises of the general Act had superseded the franchises of existing charters. And the amendment is not a grant of powers, but a mere confirmation of powers previously granted. It left the companies where it found them. And if chapter 273 be a valid alteration of railroad charters previously existing, it is no more repealed by sec. 2 of chapter 292, than any other previous amendment of such charters. The powers of railroad companies confirmed by this section, are those powers of their charters, controlled by all amendments of them and other public acts validly affecting them, as they existed when the section was passed. It is not difficult to make chapters 273 and 292 stand together.

Chapter 341 is an act in relation to railroads, with many provisions for their general government, perhaps all resting in the police power of the state. Amongst the rest, sec. 9, under which the repeal is claimed, provides a penalty against any railroad company taking more than a reasonable rate of compensation. It was claimed that this provision licenses a reasonable rate of compensation in all cases, and therefore repeals the *maximum* rates specifically fixed by chapter 273. There are three answers to this:

First. Chapter 273 limits the companies to the *maximum* rates provided, but does not expressly license them to exact those full rates. And it might well happen, and the legislature may have so considered, that rates then reasonable, might, in change of circumstances, become unreasonable; and that these companies continuing to charge the full *maximum* rates might be charging unreasonable rates.

Secondly. The act provides no fixed, statutory rates of freight for class C. of roads. This class is forbidden to charge more than in June, 1873, which might be an unreasonable rate. And it includes all railroads not included in classes A. and B., and might therefore well include roads not operated in June, 1873, which would have no limit of rates of freight under the act. Here is ample scope for sec. 9 of ch. 341, without disturbing the fixed rates of ch. 273.

Thirdly. Chapter 273 does not assume to fix rates for all traffic on railroads. The commissioners might not fix the remaining rates, or might delay in doing so, or might naturally, by inadvertences, omit articles of freight in their classification. Here again is subject for sec. 9 of chap. 341, to act upon, applying the rule of reasonable compensation.

It must be admitted that this looks like careless and slovenly legislation. But either of these views is one which we are bound to seek, and which, seeking, we readily find, to reconcile the two acts and make them consist together.

The question of constructive repeal is one of legislative intent. The three acts were passed within two successive days, and must have been pending together. And it is not possible to believe that the legislature intended to defeat the operation of chap. 273 by the other acts, going through the forms of legislation contemporaneously with it. And this question of intent seems to us to be absolutely determined by the passage of Joint Resolution No. 11, delaying the publication of chap. 273, so that it could not become a law until after chapters 292 and 341 had taken effect as laws; so that the constructive repeal should precede, not follow, the act repealed. The resolution and the consequent order of publication of the three acts, seem to us not only to demonstrate that the legislature intended no repeal, but might possibly have had the effect, if there must be a repeal, of making chapter 273, as the latter act repeal sec. 2 of chap. 292, and sec. 9 of chap. 341.

It was contended by the Chicago, Milwaukee & St. Paul Company that it was not in class A of railroads, because the corporation in that class is called the Milwaukee & St. Paul Company; whereas the defendant had just one month before added the prefix, Chicago, to its name, under a statute authoriz-

ing such change of name. This was merely assuming an *alias dictus*, not changing the body nor wholly changing its name. It had been called by one name and chose to be called by another, very similar; differing only by the addition of one word, as a sort of *prænomen*. These facts are pleaded on both sides. The information avers that there had been no other corporation of the name used in the chapter, and the answer cannot be held to deny it, though there is a qualified general denial. *Sexton v. Rhames*, 13 Wis., 90; *Allis v. Sabine*, 17 id., 626. Indeed we think that there is a presumption that there is no other corporation of the name. We have, therefore, little difficulty in holding that the corporation named in the act is the defendant. It is said that we cannot resort to evidence *aliunde* to ascertain the corporation intended by the act. Probably not, but we do not need any. We can, however, look into the laws of the state to solve the question. In another case of misnomer of a corporation, this court held, "that the objections to the act are too technical and evasive. Legislative enactments are not to be defeated on account of mistakes, errors or omissions, any more than other writings, provided the intention of the legislature can be ascertained from the whole act." The court might well have added, but that it was not there necessary, that it could equally look into other acts in *pari materia*, as the rule is. *Nazro v. Merchants M. Ins. Co.*, 14 Wis., 295. This act, by the name it uses, intended some corporation: there is no other but this, and this had lately been designated by the name used. And we find for years before, acts granting powers to the Milwaukee & St. Paul Railway Company claimed here in its answer by this defendant. We find a grant of power to it, passed at the same session, and approved by the same governor, March 10, the day before chapter 273. We find no trace in the statutes of any other corporation by either of the *alias dicti* of this defendant. We should assuredly hold it entitled to the grant of March 10, and we will hold it subject to the act of March 11. We should be ashamed to sit here and suffer the law to fail, where the design of the legislature is so apparent, through so mere a verbal quibble on so mere a verbal accident.

In re Croke, 1 Cowper, 29, cited by the defendant, goes upon a confusion of things, not of names; one designating, as Lord Mansfield says, the corporation at large; the other, a select body. And in *People v. Oakland Co. Bank*, 1 Douglass, 282, also cited, the names of the corporation chartered and of the corporation repealed were so essentially different, that the court could not gather the legislative intention. The court say: "It is not intended to assert that there should be an exact correspondence between the act creating and the one repealing a corporate charter, so far as the name of the corporation is concerned. All that is required is, that the repealing act should indicate with sufficient clearness the name of the corporation intended. There should be such a correspondence as to leave no doubt of the intention of the legislature." There is surely such a correspondence here.

We imply no censure on any of the distinguished counsel who argued these motions with so much professional ability. We allude to the defendants when we say, that we are constrained to regard some of these points last considered, as unworthy of these causes. And, while we are not disposed to censure them for litigating the main questions involved, these petty points could not fail to remind us of the pungent criticism of Lord Langdale, in *Brown v. Monmouth R. & C. Co.*, on such technical points introduced by other great corporations into other great litigations.

IV. A question was made on the argument of the effect of the constitutional amendment of 1871 upon Sec. 1, Art. XI, of the Constitution.

The provision of the constitution, as first framed, is that corporations might be formed under general laws, but not by special acts, except in cases where the legislature should judge that the objects could not be attained by general laws; and that such general laws or special acts might be altered or repealed at any time.

Of the first clause of this section it was said: "It seems very obvious, on the face of the provision, that it aimed at the evils of special legislation. The provision is against creating corporations by special acts." "It is doubtful, also, whether this clause can, at best, be regarded as anything more

than directory to the legislature, as it leaves the whole matter, after all, to its judgment." *Clark v. Janesville*, 10 Wis., 119.

And, as a directory provision, it proved to be largely unavailing, as our statute books abundantly show.

Therefore came the amendment of 1871, prohibiting special legislation in this and other cases

This amendment prohibits the legislature from passing special laws, amongst other purposes, for granting corporate powers or privileges, except to cities; and directs that the legislature shall provide general laws for purposes for which special acts are so prohibited, which shall be uniform throughout the state.

It was contended that this amendment, prohibiting the grant of corporate powers by special act, operates as a repeal of the reserved power of altering existing special charters by special acts; that the prohibition to grant corporate powers includes, not only the creation of new corporations, but also the grant of new powers to existing corporations, and by inference the limitation or regulation of existing corporate powers, by special acts; and so confines the reserved power to alter special charters, to general laws.

The difficulty of altering special charters by general laws, which shall be uniform throughout the state, is very apparent. And if this were the true construction of the amendment, it would almost follow that special charters could no longer be repealed by special acts, and that the whole reserved power was relegated to general laws. It was even said by counsel that the charter of a corporation, organized under general law, could be repealed only by repeal of the general law; so that one corporation of one kind could not be subjected to repeal without repealing the charters of all corporations of the same kind under the same general law. This is almost an argument *ad absurdum*. And it is all a very inconvenient and, we may say, dangerous construction, which we should be very unwilling to adopt.

We shall not stop to dwell here on the importance of the reserved power. We may do that later, in a more appropriate connection. We shall only assume here that it is a power of great significance and gravity; of such moment, that it is impossible to believe that the legislature and the people intended to surrender or impair it; very hard to believe that they suffered themselves to surrender or impair it, by implication, in an amendment designed for quite a different purpose, quite consistent with the reserved power,

But the purpose of the amendment, so far as it affects sec. 1, Art. XI, appears to us very manifest. It was designed to act on the first clause only of the section, taking away the legislative discretion and changing the directory provision into a prohibitory one; and not to touch the second clause of the section at all, leaving the reserved power where it found it, to be exercised thereafter as theretofore, upon the special charters, by special acts. The amendment is prospective only, not retrospective. It prohibits an old way and provides a new way of creating corporations, but was not designed to affect existing corporations in any way. If it could operate to take away legislative control over existing charters, it might well be argued—as it was in Indiana—that it operates to repeal them altogether.

We can see nothing in the letter or spirit of the amendment to warrant us in giving it a construction to impair the reserved power. Under the rule of constructive repeal, we are bound to give such construction to these constitutional provisions as will leave both to stand together. It is not for us to wrest so great a power from the legislature, by construction, unless the legislature and the people have made such construction inevitable. And we feel bound to hold, and find no difficulty in holding, the phrase in the amendment, to grant corporate powers or privileges, to mean *in principio donationis*, and equivalent to the phrase, to grant corporate charters. This is implied not only by the word, grant, but also by the word, corporate. A franchise is not essentially corporate; and it is not the grant of franchise which is prohibited, but of corporate franchise; that is, as we understand it, franchise by act of incorporation.

There are cases in Iowa with some bearing on this question, which were not cited, but which we have carefully considered.

The constitution of that state of 1857, Art. III, sec. 80, prohibits local or special laws in certain cases; among these, for the incorporation of cities or

towns; and provides that, in the cases enumerated, all laws shall be general and uniform throughout the state.

In *ex parte Pritz*, 9 Iowa, 30, *Davis v. Woodnough*, 9 Iowa, 104, and *McGregor v. Baylies*, 19 Iowa, 44, the supreme court held that, under the clause of their constitution mentioned, the legislature had not power by special act to amend city or town charters, existing by special act at the time of the adoption of the constitution. With great respect for that court, we should hesitate long before concurring in the cause in *Von Phul v. Hammer*, 29 Iowa, 222, that court also held that although the legislature could not amend existing charters, yet every corporation of the kind might amend its own charter, under a power in the general law. But we need not consider the reasoning of the Iowa cases, because we cannot consider them applicable here. There is no equivalent in their constitution for the reserved power in ours, to enter into or control the construction of the clause in question.

The constitution of Indiana, of 1851, art. IV, sec. 22, has a similar prohibitory clause of special legislation in specified cases, including laws for the punishment of crime and misdemeanors, and a similar provision for general laws uniform throughout the state. And the question came before the supreme court, whether a law, punishing certain misdemeanors, local in its application and not uniform throughout the state, and, therefore, in conflict with the constitutional provision adopted, but which was in force at the time of the adoption of the constitution, was not repealed by the constitution. But the court held, without difficulty, that the constitutional requirement was prospective, and did not apply to laws passed before its adoption. *State v. Barbee*, 8 Porter, 358. This is an aid to our construction.

We hold the amendment of 1871 to relate to future corporations, and leave existing corporations under the original provision of the constitution; and that, as to the existing corporations, the reserved power to alter or repeal remains unimpaired.

V. The *maximum* rates of chapter 273, of 1874, expressly apply to the railroads of the defendants. The defendants plead various antecedent charters, with express power to take toll, without express limitation. The exact language differs in different charters, but the substance is, we believe, alike in all; power to exact tolls in the discretion of the company, not essentially different from the power in the general Railroad Act of 1872.

And the defendants, thereupon insist that the limitation of those powers in their charters, by the fixed rates of chapter 273, impairs the obligation of the contract of their charters, and is, therefore, in violation of the provision of the Constitution of the United States, Art. 1, Sec. 10. Sub. 1, which provides that no state shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

The construction and application of the clause by the supreme court of the United States are certain and defined, and are, of course, beyond the reconsideration of this court. But a brief review of the clause and its construction is not irrelevant to the questions before us.

Mr. Madison, Federalist, No. 43, thus explains the policy and objects of this provision:

"Bills of attainder, *ex post facto* laws, and laws impairing the obligation of contracts, are contrary to the first principles of the social compact, and to every principle of sound legislation. The two former are expressly prohibited by declarations prefixed to some of the state constitutions, and all of them are prohibited by the spirit and scope of those fundamental charters. Our own experience has taught us, nevertheless, that additional fences against these dangers ought not to be omitted. Very properly, therefore, have the convention added their constitutional bulwark in favor of personal security and private rights: and I am much deceived if they have not, in so doing, as faithfully consulted the genuine sentiments as the undoubted interests of their constituents. The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen, with regret and indignation, that sudden changes and legislative inferences, in cases affecting private rights, become jobs in the hands of enterprising and influential speculators, and snares to the more industrious and less informed part of the community. They have seen, too, that one legislative interference

is but the first link of a long chain of repetitions; ever subsequent interference being naturally produced by the effects of the proceeding. They very rightly infer, therefore, that some thorough reform is waiting, which will banish speculations in public measures, and inspire a general prudence and industry, and give a regular course to the business of society."

If this be, as may be safely inferred, the sense in which the prohibition was adopted, it is very certain that its framers did not foresee or intend the uses to which it has been put. So, indeed, Chief Justice Marshall himself admits, in his opinion, in the leading case. 4 Wheaton, 644.

As early as 1810, the supreme court of the United States held that an act of a state legislature might be a contract within the meaning of the prohibition, and, therefore, beyond subsequent legislative control. *Fletcher v. Peck*, 6 Cranch, 87.

In 1819, the same great tribunal held that the charter of any corporation, not municipal, was a contract within the prohibition, which the legislature could not impair, by subsequent amendment, against the will of the corporation. *Dartmouth College v. Woodward*, 4 Wheaton, 518. And that remains the law of the land to this day.

It is easy to criticise the decision; to say that the very point was not in the case; to impeach the reasoning of the opinions. Many able jurists and statesmen have done so and are doing so. It is easy to foretell that the case will be opened. Many do so. Here is one of the latest and most thoughtful of such speculations:

"Some of those who think it would have been better, had the case been decided the other way, may reasonably condemn any attempt to unsettle a branch of the law so long established. But the murmuring at the whole doctrine, which is beginning to be heard throughout the country; the restless, fitful desire to get rid of it, not yet fully understood by themselves, which large classes of people begin to feel, indicates that the whole subject must, at no distant day, be carefully re-examined. Any decision in an ordinary case, ought, as a rule, to stand; and when a decision has stood for fifty years, even to question it lightly and without sufficient consideration, is injurious and censurable, as tending to unsettle an entire system of jurisprudence. But constitutional decisions which take from the political department of government powers and prerogatives usually belonging to it, and which legislation cannot remedy, stand on a different footing from ordinary precedents involving questions of private rights. Fifty years is a short period in the history of a nation living under a constitution intended to be perpetual. The consequences of the Dartmouth College case are now beginning to press heavily on great communities, and the pressure, we believe, will increase rather than diminish. It involves questions of political power, political necessity, it may yet be of political safety, and the case will not be let alone, however wise it might be to do so." 8 American Law Review, 191.

The court was not unanimous in the Dartmouth College case, and has not always been unanimous in subsequent cases applying the rule. Indeed it is a constant tradition of the profession that the Bench has never since been unanimous on the full extent of the doctrine of that case.

The spirit of the decision and the grounds on which it goes, are best found in the opinions of the judges who made it.

Chief Justice Marshall says: "It has been argued that the word 'contract' in its broadest sense, would comprehend the political relations between the government and its citizens, would extend to offices held within a state for state purposes, and to many of these laws concerning civil institutions, which must change with circumstances, and be modified by ordinary legislation, which deeply concern the public, and which to preserve good government, the public judgment must control." "That the clause in the constitution, if construed in its greatest latitude, would prohibit these laws. Taken in its broad unlimited sense, the clause would be an unprofitable and vexatious interference with the internal concerns of a state, would unnecessarily and unwisely embarrass its legislation, and render immutable those civil institutions, which are established for the purpose of internal government, and which, to subserve those purposes, ought to vary with varying circumstances. That as the framers of the constitution could never have intended to insert in that instrument a provision so unnecessary, so mischievous and so repug-

nant to its general spirit, the term 'contract' must be understood in a more limited sense. That it must be understood as intended to guard against a power of at least doubtful utility, the abuse of which had been extensively felt, and to restrain the legislature in future from violating the right to property. That anterior to the formation of the constitution, a course of legislation had prevailed in many, if not all, of the states, which weakened the confidence of man in man, and embarrassed all transactions between individuals, by dispensing with a faithful performance of engagements. To correct this mischief by restraining the power which produced it, the state legislatures were forbidden 'to pass any law impairing the obligation of contracts,' that is, of contracts respecting property, under which some individual could claim a right to something beneficial to himself; and that, since the clause in the constitution must, in construction, receive some limitation, it may be confined, and ought to be confined, to cases of this description; to cases within the mischief it was intended to remedy.

"The general correctness of these observations cannot be controverted. The framers of the constitution did not intend to restrain the states in the regulation of their civil institutions, adopted for internal government; and that the instrument they have given us is not to be so construed, may be admitted. The provision of the constitution has never been understood to embrace other contracts than those which respect property, or some object of value, and confer rights which may be asserted in a court of justice."

If property, as the great Chief Justice indicates, be the test, it might well be said that aggregations of persons in municipal corporations may have rights of property as clearly as aggregations of persons in private corporations, and come as well within the prohibition. So the court afterward found in *East Hartford v. Hartford Bridge Co.*, 10 Howard, 511, and other cases, in which the court disregards the property test, and rests the application of the rule on the distinction between public and private corporations. See *Charles River Bridge v. Warren Bridge*, 11 Peters, 420. And so of offices, it might well be suggested that the emoluments of public office, conferring rights which may be asserted in a court of justice, may logically come within the property test.

Mr. Justice Story, another great name which has reflected its lustre on this decision, says: "Another division of corporations is into public and private. Public corporations are generally esteemed such as exist for public purposes only, such as towns, cities, parishes and counties; and in many respects they are so, although they involve some private interests; but, strictly speaking, public corporations are such only as are founded by the government for public purposes, where the whole interests belong to the government. If, therefore, the foundation be private, though under the charter of the government, the corporation is private, however extensive the uses may be to which it is devoted, either by the bounty of the founder, or the nature and objects of the institution. For instance, a bank created by the government for its own uses, whose stock is owned exclusively by the government, is, in the strictest sense, a public corporation. So an hospital created and endowed by the government for general charity. But a bank whose stock is owned by private persons, is a private corporation, although it be erected by the government, and its objects and operations partake of a public nature. The same doctrine may be affirmed of insurance, canal, bridge and turnpike companies. In all these cases, the uses may, in a certain sense, be called public, but the corporations are private; as much so as if the franchises were vested in a single person."

It is difficult, at this day, to recognize the sound policy of this strict distinction between municipal and all classes of *quasi* private corporations, or to appreciate the wisdom which admits the necessity of legislative control over all municipal corporations of every grade and nature, and denies it to all other corporations of every grade and nature. It is quite safe to say that, in this state of Wisconsin, each of these defendants, a private corporation for the purposes of this rule and placed by it above legislative control of its franchises, directly exercises, to say nothing of its indirect influence, more power over the public interests of the state, over the public welfare and prosperity of the state, over the commonwealth, than the largest municipality in the state with its 90,000 or 100,000 souls. The state entrusts it with the exer-

cise of the sovereign right of eminent domain, with the construction and operation for public purposes of hundreds of miles of public thoroughfare of the most dangerous character to public safety, with a virtual monopoly within its district of the carrying trade, with almost a control of all commerce within its reach, and a power almost of life and death over its people, —and yet it is a private corporation, whose charter the legislature cannot control; while the most insignificant town in the state, with no extra territorial influence and hardly any extra territorial recognition, is invested with the dignity of a public corporation, over which it is unsafe to deny legislative control.

It is not to be overlooked that the decision was made long before the era of great corporations in this country, long before what were then private corporations had become of more public significance than municipal corporations were then, long before our present civilization hinged almost as much on *quasi* private corporations, as Hallam says early modern civilization did on municipal corporations; before Judge Story had lived to see a bank, which he defined to be a private corporation, notwithstanding its public relations, wage war, unequal at last, but long doubtful war, with the Federal government itself. The difficulty arises probably, from applying old names to new things; applying the ancient definition of private corporations to corporations of a character unknown when the definition arose, corporations of such great and various public relation and public significance; a definition which, as applied to them, is wearing out, so that courts are beginning to call them *quasi* private corporations and *quasi* public corporations, as in truth they are.

The remarks since made, from time to time, on this decision, by the court which made and has always hitherto sustained it, are perhaps the severest commentary upon it, in the broad sense in which it is applied: It deprives the states in a large measure of their sovereign prerogative, and establishes great corporations as independent powers within the states, a sort of *imperia in imperiis*, baffling state order, state economy, state policy. Well might a distinguished judge of the same great court, when the extent of the evil was becoming apparent, start back, shocked at the claims of corporate immunity from law, and cry out:

"No state, it is declared, shall pass a law impairing the obligation of contracts; yet with this concession constantly yielded, it cannot be justly disputed that in every political sovereign community, there inheres necessarily the right and the duty of guarding its own existence, and of protecting and promoting the interests and welfare of the community at large. This power and this duty are to be exerted not only in the highest acts of sovereignty and in the external relations of governments; they reach and comprehend likewise the interior polity and relations of social life, which should be regarded with reference to the advantage of the whole society." And he adds, speaking of the right of eminent domain: "It would imply an incredible fatuity in the states to ascribe to them the intention to relinquish the power of self-government and self-preservation." *West River Bridge Co. v. Dix*, 6 Howard, 507.

It was lately said by the same court, speaking of this construction and application of the constitutional prohibition: "A departure from it *now* would involve damage to society that cannot be foreseen, would shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the government." *Binghampton Bridge*, 3 Wallace, 51. Perhaps so; there is always inconvenience and sometimes danger in abandoning old rules of judicial decision. But there is danger in adhering to this rule. And it is not always the better part of wisdom to bear the ills we have, than fly to others that we know not of. And it must be conceded that the language of the court, just quoted, sounds rather like apology than jurisdiction.

Be all this as it may, the rule in *Dartmouth College v. Woodward* stands, and we must all yield to it while it does stand. Neither this nor any state court can disregard or evade it, while the court which established it may see fit to adhere to it. And the rule that corporate charters are contracts within the prohibition, has been expressly applied by that court to railroad charters. *Wilmingtton R. R. Co. v. Reed*, 13 Wallace, 264; *Humphreys v. Peques*, 16 Wallace, 244.

And we have given some brief history of the rule, and of its application and its mischief, not for any purpose of combating it, but for the purpose of showing the significance and scope of the reserved power over corporate charters in our state constitution. For the very purpose of that reservation of power was to exclude the rule from all application to corporate charters in this state, and to restore the state all its otherwise inherent authority over its own corporations.

This court has several times had occasion to discuss this reserved power, as one well understood and of undoubted efficiency. *Madison, W. & W. Plank Road Co. v. Reynolds*, 3 Wis., 287; *Pratt v. Brown*, 8 Wis., 603; *Nazro v. Merchants' M. Ins. Co.*, 14 Wis., 295; *Kenosha R. & R. I. R. R. Co. v. Marsh*, 17 Wis., 13; *Blair v. Milwaukee & P. du C. R. R. Co.*, 20 Wis., 254; *Whiting v. Sheboygan & F. du L. R. R. Co.*, 25 Wis., 167; *State v. Milwaukee Gas L. Co.*, 29 Wis., 454; *Chapin v. Crusen*, 31 Wis., 209; *West Wisconsin R. R. Co. v. Trempealeau*, MS. January T., 1874.

As long ago as 1854, six years after the adoption of the constitution, Mr. Justice Smith observed in *Pratt v. Brown, supra*: "In all instances, however, in which this power to take private property for public use has been delegated to corporations, the parties interested in such grant have been compelled to rely for the perpetuity of the grant, either upon the pledged faith of the sovereign power making the grant, or upon constitutional compacts inhibiting the power of revocation. The doctrine that a charter of incorporation, conferring certain franchises upon a company or individual, was in the nature of a grant, and hence protected from encroachment or attack by the Federal constitution, was established after elaborate argument and on full consideration by the supreme court of the United States, in the Dartmouth College case. This doctrine has, since that decision, been acquiesced in by nearly if not quite all the state courts of the Union. It is competent, nevertheless, for each state by constitutional regulation or specific legislative enactment, to reserve the power to modify or repeal all such acts of incorporation. When the power of modification or repeal is reserved, either in the one mode or the other, it is obvious that the grantees must rely for the perpetuity and integrity of the franchises granted to them solely on the faith of the sovereign grantor. Hence, since the decision of the Dartmouth College case, some of the states, and our own among the number, have, by constitutional provision, reserved to their legislature the right of modification or repeal of all special acts of incorporation, and all such corporations now rest upon the faith of the state, taking care to deserve its favor by observing strictly the limits, of their powers, and accomplishing by all legitimate means the objects of their incorporation."

In 1868, in *Kenosha R. & R. I. R. R. Co. v. Marsh, supra*, Mr. Justice Paine said: "The occasion of reserving such a power in the constitution or in the charters themselves, is well understood. It grew out of the decisions of the Supreme court of the United States, that charters were contracts within the meaning of the constitutional provision that the States should pass no law impairing the obligation of contracts. This was supposed to deprive the States of that power of control over corporations which was deemed essential to the safety and protection of the public. Hence the practice which has extensively prevailed since those decisions, of reserving the power of amending or repealing charters. It was solely to avoid the effect of the decision that the charter itself was a contract between the state and the corporation, so as to enable the state to impose such salutary restraint upon those bodies as experience might prove to be necessary. Undoubtedly the legislature might, under this power, impose new duties and new restraints upon corporations in the prosecution of the enterprises already undertaken. And provisions of this nature would be binding whether assented to or not."

In 1870, in *Whiting v. Sheboygan and F. du L. R. R. Co., supra*, Chief Justice Dixon enters into an able and elaborate consideration of the subject, from which we quote: "And here it occurs to us to observe that, under the principles announced in the Dartmouth College case and in the numerous cases which have followed it in the same court, and by the authority of which the courts of all the states are bound, this power of the state to regulate and control the franchise and fix the amount of the tolls, has been frequently wholly lost. "Be this matter as it may in other states, the question can never arise

in this state. Our people, by a most wise and beneficent provision in their constitution, have perpetually reserved the power to the legislature to alter or repeal all charters or acts of incorporation at any time after their passage.' 'As yet, we believe, the power has never been exercised with respect to any railroad company organized in this state, and possibly it may never be. It is valuable, however, as a check upon the rapacity which these corporations sometimes exhibit, and the time may come when the legislature will be imperiously required to exert it; but when it does, if ever, it will not be to deprive the corporation or its stockholders of their legitimate rights, but to correct abuses and save the rights of the people. The legislature will not reduce the tolls or rates to an unreasonably low figure, or so as to disappoint the just expectations of the owners of stock.'

In 1874, this sounds like prophecy.

And at the last term, in the unreported case of *West Wis. R. Co. v. Trempeleau, supra*, Mr. Justice Cole said: "The validity of these acts repealing the exemption is mainly rested upon the power reserved to the legislature by Sec. 1, Art. XI of the constitution, which in terms declares that all general laws or special acts under which corporations without banking powers are created, may be altered or repealed by the legislature, at any time after their passage. If the proper force and effect are given to this constitutional provision, it would seem to afford ample authority for the enactment of the repealing statutes above cited, as it reserves the right to the legislature to amend and revoke all corporate franchises and privileges which it might grant. In this case, the legislature first relinquished the right of taxation, so far as the lands in controversy are concerned, and then subsequently resumed it. But this the learned counsel for the company contend it was not competent for the legislature to do, because it impaired the obligation of a contract which the state had made. The doctrine that a state may grant or bargain away beyond reach, the right of taxation, a high political and sovereign power, essential to the very existence of the state, and without which no governmental functions can be exercised or carried on, has always seemed to me to rest on a very unsatisfactory grounds; and I am unable to assent to its general correctness. If the legislature of a state may relinquish for a specified period the right to tax the property of persons or corporations within its jurisdiction, it may do so permanently; and it may upon the same ground, relinquish its police power, the right of eminent domain and other sovereign power, until nothing of the state government remains but a name. I should greatly regret the general recognition, or even acquiescence without protest, in such a doctrine, as sound constitutional law. And therefore I feel constrained to withhold my assent to it at this time. I do not propose to enter upon any discussion of the question, however, as it is not necessarily the ground upon which our decision in this case is founded. I concede that the supreme court of the United States say that the question, whether the legislature has the power to grant away the right of taxation is one not open to discussion in that court, because the power has been affirmed by repeated adjudications made in that court; and the doctrine of Dartmouth College case has been applied in all its extent and vigor to such a legislative grant. The object and historical origin of the provision in the constitution of the state, are matters known to all professional men. They were, through this paramount authority, to retain and secure to the state full power and control over corporate franchises, rights and privileges which it might grant:—a power and control which the state was, in a manner, deprived of by the federal constitution, as that instrument had been interpreted in the celebrated Dartmouth college case. With the grant of exemption from taxation, was annexed the reservation that such grant might be altered or revoked by the legislature at any time after its passage. It was a qualification of the grant: and the subsequent exercise of the reserved power cannot be regarded as an act impairing the obligation of contracts." And the court sustained the exercise of the reserved right.

This has been the unanimous opinion and decision of this court, always, in all cases before it. And, by force of the constitutional power reserved, and of the uniform construction and application of it, the rule in the Dartmouth College case is applied to corporations, never had place in this state, never was the law here. The state emancipated itself from the thralldom of that de-

cision in the act of becoming a state; and corporations since created here have never been above the law of the land.

Subject to this reserved right, and under the rule in the Dartmouth College case, charters of private corporations are contracts, but contracts which the state may alter or determine at pleasure. Contracts of that character are not unknown in ordinary private dealings; and such we hold to be the sound and safe rule of public policy. It is so in England. It is so under the Federal government itself. The material property and rights of corporations should be inviolate, as they are here; but it comports with the dignity and safety of the state that the franchises of corporations should be subject to the power which grants them, that corporations should exist as the subordinates of the state, which is their creator, *durante bene placito*.

This is a question of state law, not of federal law. We give full scope to the federal constitution, as interpreted by the federal courts, but we stand clearly outside of both. This question could be brought within the Dartmouth College rule, not by interpretation of the federal constitution, but by interpretation of the state constitution only. That is our function. We accept the construction of the federal constitution as the federal courts give it. But we give construction to our own constitution for ourselves. And there we might well rest.

But the exercise of this reserved power has been sanctioned by the federal and other state courts.

The general banking law of New York, of 1838, provided that stockholders of banks under it should not be personally liable for the debts of their banks, unless they should expressly so declare by their articles of association; but the law reserved power to the legislature to alter or repeal it at any time—the very words of our constitution. Under this law, a bank was organized in 1844, and the stockholders declared, by their articles of association, that they should not be liable for the debts of the banks. Afterwards, the constitution of the state, of 1846, declared the stockholders liable, and the legislature of 1849 passed an act to enforce that liability. The courts of New York held the stockholders liable; and the supreme court of the United States affirmed the judgment, holding that the constitutional provision and act of 1849 impaired the obligation of no contract, either in the general banking law or in the articles of association, because the reserved power subjected the contract and the stockholders to the change made in their liability. *Sherman v. Smith*, 1 Black, 587. See also 21 N. Y., *infra*.

In the *Pennsylvania College Case*, 13 Wallace, 190, the opinion of the court states that "Cases often arise where the legislature, in granting an act of incorporation for a private purpose, either makes the duration of the charters conditional, or reserve to the state the power to alter, modify or repeal the same at pleasure. Where such a provision is incorporated in the charter, it is clear that it qualifies the grant, and that the subsequent exercise of that reserved power cannot be regarded as an act within the prohibition of the constitution. Such a power also,—that is, the power to alter, modify or repeal an act of incorporation,—is frequently reserved to the state by a general law applicable to all acts of incorporation, or to certain classes of the same, as the case may be, in which case it is equally clear that the power may be exercised, whenever it appears that the act of incorporation is one which falls within the reservation, and the charter was granted subsequent to the passage of the general law, even though the charter contains no such condition nor any allusion to such a reservation. Reservations, in such a charter, it is admitted, may be made; and it is also conceded that, when they exist, the exercise of the power reserved, by a subsequent legislature, does not impair the obligation of the contract created by the original act."

The same point is ruled in many cases, amongst others, in *Miller v. State*, 15 Wallace, 478; *Tomlinson v. Jessup*, 15 Wallace, 454; *Holyoke Co. v. Lyman*, 15 Wallace, 500; *McLaren v. Pennington*, 1 Paige, 102; *Re Oliver Lee's Bank*, 21 N. Y., 9; *Perrin v. Oliver*, 1 Minn., 202; *Mayor, etc. v. Norwich & W. R. R. Co.*, 109 Mass., 103; *Parker v. Metropolitan R. R. Co.*, 109 Mass., 506; *Stephens v. Smith*, 29 Vermont, 160.

In *Olcutt v. Supervisors*, 16 Wallace, 678, a case from this state, turning on the relations of a railroad company and the state, the court takes occasion to say of the reserved power in our constitution: "That the legislature may

alter or repeal the charter granted to the Sheboygan and Fond du Lac Railroad Company, is certain. This is a power reserved by the constitution. The railroad can, therefore, be controlled and regulated by the state. Its use can be defined; its tolls and rates for transportation may be limited."

It was argued for the defendants that the power is a limited one. It is so said in *Miller v. State* and *Holyoke v. Lyman*, *supra*; and in some Massachusetts cases, that it must be reasonably exercised. But the remarks in the former cases seem to relate to the property, rather than to the franchise, and are vague. And it seems to us that the legislature is the sole judge of the reasonable nature of the original charter. And so that court itself says in effect in *Mayor v. Norwich & W. R. R. Co.*, *supra*. But these *dicta* are too vague and general for either guidance or authority.

The reserved power in our constitution is a positive provision entering into all charters under it, and must be construed as it is written. We cannot construe away its meaning, or hold it to mean something else, which we or others might consider wiser or better. We are bound, in our construction of it, by the very words used. We refer to a large number of cases on this point of construction, collated by Dixon, C. J., in 26 Wis., 451. The power is limited by its own words only. Any limitation of it must come from those words. And we must be guided in our construction of the words used, if the words will admit of it, by the purpose of the provision, to do away in this state the rule in the Dartmouth College case, so far as it relates to charters of private corporations. The power to repeal can bear but one construction; for, in this use, the word has but one meaning. The power to alter depends on the meaning of the word, alter. To alter is to make different, without destroying identity, (Crabb;) to vary without entire change, Webster and Imp. Dict.) A corporate charter of one kind, cannot be altered to a charter of an entirely different kind. But a corporate charter may be altered so as to make it different in detail, so long as the general identity of the corporation remains; so that it is varied, without entire change. This is the obvious meaning to lawyer or layman. Arguments *ab inconvenienti* cannot weigh against the manifest meaning of the word used; they may go to impeach the wisdom of the power, but not to impair its import.

We think that Mr. Justice Paine recognized the true limit, depending on the word used, in *Kenosha R. R. Co. v. Marsh*, *supra*: "I suppose it would hardly be claimed that the state, even where this power of amendment is reserved, could, by amending the charter of a railroad company so as to provide for a new and entirely different road, impose any obligation on the corporation to build it." That is a particular application of the rule, not to alter so as entirely to change.

But it is unnecessary to pursue this topic further, as there can be no doubt that there is as unquestionable an exercise of the power to alter as can well be. The charters of the defendants gave them an unlimited right to toll. The alteration limits the right. This is strict alteration, or there is no such thing as alteration. This is just what Strong, J., says in *Olcott v. Supervisors*, *supra*, and Dixon, C. J., says in *Whiting v. Sheboygan R. R. Co.*, *supra*, the legislature can do under the power to alter.

We shall not discuss the question whether the defendants have a right to take toll, as intimated by Mr. Justice Strong in the *state freight tax case*, 15 Wallace, 232, without any franchise to take it, as an attribute of ownership. They certainly could not have a right to exact what they might please. But the question is not here, because these corporations accepted a franchise to take toll, and must be held to take it under the franchise.

And we need hardly notice the point made, that, the franchise to take toll without limitation, once granted, inheres in the railroad as property, beyond the reach of the reserved power to alter. Logically considered, this is only a denial, in another form, of the reserved power to alter. If the franchise inhere in the property by the use of it, and be revocable, then it would be severed from the property by repeal; and, upon alteration, would in here, only, as altered. A building is real estate, by being attached to the soil; but if it be taken down, the brick and wood do not still inhere in the land. The reserved power would be nugatory, if the mere use of the franchise could operate to put it beyond alteration or repeal. The position is a mere *petitio principii*.

Of the same type is the argument that Chap. 273 violates the contracts of these defendants with their creditors. This position appears to us to rest in the absurdity that the mortgagor can vest in his mortgagee a greater estate than he had himself. Perhaps the statute may lessen the means of payment of the defendants. So would a fine for homicide, under the police power of the state. But to lessen the means of payment of a contract, is not to impair the obligation of the contract. These defendants took their franchises, and their creditors invested their money, subject to the reserved power, and suffer no legal wrong when that is exercised.

It was said that chapter 273 violates the rights of property of these defendants. We cannot perceive that it does. Whether it will lessen the income of their property, we cannot foresee. We only know that it does lessen their rates of toll. But it does not wrongfully touch their property. As far as the franchise is to be considered property, it was subject to this very limitation; and the limitation is the exercise of a right over it, which does not violate it. The right of limitation, entered into the property, and qualified it. And the act does not at all meddle with the material property, distinct from the franchise. It acts only on the franchise, not at all upon the material property. And it is sufficient to say that they acquired the material property, as distinct from the franchise, subject to the alteration of the franchise under the reserved power. That was a condition, under which they chose to hold their property; and they have no right to complain when the condition is enforced. Their rights in their material property are inviolate, and shall never be violated with the sanction of this court. But they are no more violated by this act, and its enforcement, than by foreclosure of a mortgage or ejectment by paramount title. It is a right over property which is enforced, not a wrong to right in property.

We listened to a good deal of denunciation of chapter 273, which we think was misapplied. We do not mean to say that the act is not open to criticism. We only say that such criticism is unfounded. It was said that its provisions, which have been noticed, were not within the scope of the legislative function; as if every compilation of statutes, everywhere, in all time, did not contain provisions limiting and regulating tolls; as if the very franchise altered were not a rebuke to such clamor. It was repeated with a singular confusion of ideas and a singular perversion of terms, that the provisions of the chapter amount to an act of confiscation; a well defined term in the law, signifying the appropriation, by the state, to itself, for its own use, as upon forfeiture, of the whole thing confiscated. It was denounced as an act of communism. We thank God that communism is a foreign abomination, without recognition or sympathy here. The people of Wisconsin are too intelligent, too staid, too just, too busy, too prosperous, for any such horror of doctrine; for any leaning towards confiscation or communism. And these wild terms are as applicable to a statute limiting the rates of toll on railroads, as the term murder is to the surgeon's wholesome use of the knife, to save life, not to take it. Such objections do not rise to the dignity of argument. They belong to that order of grumbling against legal duty and legal liability, which would rail the seal from off the bond. They were not worthy of the able and learned counsel who repeated them, and are hardly worthy even of this notice in a judicial opinion.

We have, according to our duty, dealt with the questions we have considered, as questions of law. We cannot judge of the policy or the fairness of the act. That is for the legislature. We can only say that it is the law. We cannot judge of the propriety of these informations. That is for the law officers of the state. We are only to determine what the law is, and to administer it as we find it, in causes over which we have no other control. And we can join in no outcry against the law, which it is our duty to administer. Neither can we countenance any outcry against the railroads. We cannot consider any popular excitement against them warranted or useful. The railroads have their rights, and so have the people. Whatever usurpation or abuses, if any, the railroad companies may be guilty of, can find a remedy in calm, just, appropriate legislation. And this court will firmly and impartially protect all the rights of the railroads and of the people, in all litigation which may come here. But we can take no part in popular outcry against these companies, or countenance any prejudice against them. We indorse

here the full meaning of what Mr. Justice Paine so eloquently said in *Whiting v. Sheboygan R. R. Co.*, *supra*.

"Railways are the great public highways of the world, along which its gigantic currents of trade and travel pour—highways compared with which the most magnificent highways of antiquity dwindle into insignificance. They are the most marvelous invention of modern times. They have done more to develop the wealth and resources, to stimulate the industry, reward the labor, and promote the general comfort and prosperity of the country, than any other, and perhaps all other, mere physical causes combined. There is probably not a man, woman or child, whose interest and comfort have not been in some degree subserved by them."

And we endorse and repeat what Chief Justice Dixon well said in the same case: "The power of the legislature to regulate the tolls and charges of such companies is in itself a limited one, if not in a constitutional sense, certainly in the sense of morality and justice. If there be not an express, there is certainly an implied, obligation and promise, on the part of the state, never to reduce the tolls and charges below a standard which will be reasonable, or which will afford a fair and adequate remuneration and return upon the amount of capital actual invested. This obligation and promise, which spring from the act of incorporation and invitation by the state to persons to invest their money in the stock, it is presumed that no legislative body would disregard, except where the company, by gross and wanton abuse of its privileges, had forfeited its rights; and then, instead of legislative action, it is also presumed that the regular course of judicial proceedings would be preferred. The true intent and object of the power is, that the legislature shall be able to protect the rights and interests of the people, but not that it should arbitrarily impair the rights and franchises of the company, or destroy the property of its stockholders. The good faith of the state is pledged against this, and it is not within the range of presumption that it will ever be done. The individuals owning the property, and whom the corporation represents, purchase it under this pledge and inducement held out by the state. To them it is a matter of mere private business, engaged in under the sanction and encouragement of the state, and for their individual gain and emolument; and the legislature will no more unnecessarily interfere with it, or with the business of the corporations when it is legitimately and properly conducted, than it will with any other private business."

And, fully sustaining the reserved power and this exercise of it, as matter of law, we add to what the judges of this court have said, what Chancellor Kent says, that it should be matter for serious consideration how far the exercise of the reserved power is consistent with justice and policy, and that it ought to be under the guidance of extreme moderation and discretion. 2 Kent's Com., 806.

It is deeply to be regretted that there is just now more or less excitement against railroad corporations, although we believe that its extent is greatly exaggerated. But it seems to us quite safe to say that, though this feeling may be unwise, it is not vindictive; but is rather of the nature of parental anger against those spoiled children of legislation, as our statute books abundantly show them to be, who, after some quarter of a century of legislative favors lavishly showered upon them, unwisely mutiny against the first serious legislative restraint they have met. If it be true that the people are too angry, it is very sure that the companies have been too defiant. But, be all this as it may, there is some excitement against them. We entertain no doubt, however, that through it all, the sound and just views just quoted from their chosen and trusted Judges, Dixon and Paine, are the views of the people of this state to-day; that they always have been; and that these corporations and all interested in them may safely rely on the sense of justice of the people and the legislature. The judgment of both may err. It is said that it has erred in the details of this chapter 278. Of that we are not the judges; but we believe that it is yet to be verified by experiment. It may well be that the high rates charged by the railroads have lessened their own receipts, by crippling the public interests. The affidavits of experts have been read to the contrary; but they are only opinions, founded indeed on past statistics. Such opinions, founded on such statistics, would have defeated cheap postage, and are helping to-day to defeat a moderate tariff. Experience often contradicts

such theories. The interest of the public, in this regard, seems to be identical with the interest of the railroads. We think that there must be a point where the public interest in railroads and the private interest of the corporations meet; where the service of the public at the lowest practicable rate, will produce the largest legitimate income to the railroads. It seems to us an utter delusion that the highest tolls will produce the largest income. The companies have hitherto absolutely controlled their own rates. The legislature now limits them. The companies say that the limit is too low. But there is no occasion for heat or passion on either side. The people and the legislature understand well the necessity of the railroads to the state, and the necessity of dealing fairly and justly, and even liberally, with the companies. Time and prudence and wise counsels will set all this right. This very controversy may well bring about a better and more permanent understanding and relation between the state and its corporations. We say so much in deference to an earnest appeal from the bar to counsel moderation. But, in the meantime, we cannot legislate for either party. We can only say what the law is, and administer it as we find it.

An objection was taken to chapter 273, that it is not uniform throughout the state, as required of general laws under the constitutional amendment of 1871. As we think that we have already sufficiently indicated, we sustain and apply this act as an alteration of the special charters of these defendants, and not as an amendment of the general railroad act of 1872. It was said, on the argument, that one of the roads of the Chicago and Northwestern Company was organized under the general act. But that is not pleaded, and does not appear in any of the papers in the case; and of course we cannot act upon a mere verbal suggestion of the kind. So the question whether chapter 273 can be held a valid alteration of the general railroad act of 1872, is not before us, and is not passed upon.

Neither do we express any opinion on the validity of any provision of chapter 273, not expressly involved in the decisions of these motions. And, in that connection, it is proper to say that the injunctions prayed for exclude all questions here on what is called inter-state commerce.

We only hold the provisions of chapter 273 of 1874, regulating their tolls, to be valid amendments of the special charters of these defendants, obtained from the state under the constitution, as it stood before the amendment of 1871.

VI. Supposing chapter 273 to be, on the part of the state, a valid amendment of the charters of the defendants, it was objected that it could not be a valid amendment *quoad* the defendants, without acceptance of it on their part; and until such acceptance, not obligatory upon them. And this proposition is sanctioned by *Yeaton v. Bank*, 21 Grattan, 593, and other cases cited.

It was said in *Kenosha R. R. Co. v. Marsh*, *supra*, and we think said—certainly implied—in other cases in this court, that valid alterations of a charter under the reserved power, would bind the corporation, whether assented to or not. The same thing has been said by other courts, is implied in a great many cases, and is expressly decided by the supreme court of Massachusetts in *Mayor v. Norwich & W. R. R. Co.*, *supra*. And we think that the better opinion.

But it appears to us to be here a distinction without a difference. For it is very evident, as it is said in *Yeaton v. Bank*, that if the corporation do not accept the amendment, it must abandon its charter. The court says: "One consequence undoubtedly is, that the corporation cannot conduct its operations in defiance of the power that created it; and if it does not accept the modification or amendment proposed, must discontinue its operations as a corporate body."

If the amendment be obligatory, the corporation may suspend; if it be not obligatory, the corporation must accept or suspend; we fail to see the practical difference in such a case as this. Whether or not the defendants had an election to accept or reject, and whether or not they accepted the amendment, they had no right to go on in disregard of the amendment. And we think that their proceeding under their charters, after the passage of the alteration, raises a presumption that, if they had a right of election, they exer-

cised it by accepting the alteration. Otherwise it was their duty to suspend their operations. In any case, the question cannot weigh in the consideration of our duty to enjoin the actual disobedience of the law.

VII. The defendant, the Chicago, Milwaukee & St. Paul Company, pleads the charter of the territorial legislature of February 11, 1847, incorporating the Milwaukee & Waukesha Railroad Company, and the organization of the corporation thereunder; the act of the territorial legislature of March 11, 1848, extending the road from Waukesha to Prairie du Chien, and the construction of the road from Milwaukee to Prairie du Chien in the years 1850-1856; the act of the state legislature of February 1, 1850, giving the corporation the new name of the Milwaukee & Mississippi Railroad Company; the act of the state legislature of March 31, 1860, to facilitate the formation of a corporation with franchises of the original company, upon foreclosure of their mortgage, and the formation thereunder by the purchasers, of the Milwaukee & Prairie du Chien Railway Company; and the conveyance of the road and franchises by that company to the defendant by deed of August 1, 1868; and we find an act of February 15, 1868, ratifying the purchase by the defendant of the road and franchises. We presume that the purchase had been then made, though the deed followed after.

We have not considered the title of the defendant to this road, because we think it immaterial here. The road is actually operated by the defendant, and is, therefore, included in the same class with the other roads of the defendant by chapter 27. And the question before us must rest on the charter of the road, not on the title of the defendant. In saying this, we imply no doubt of the title; we only say that we have not investigated it, because it does not enter into any question before us.

The charter of 1847-1848 appoints commissioners to take subscriptions of stock; and, upon subscription and payment of stock as therein directed, creates the subscribers a corporation vested with the franchises of the act. This act does not create a corporation vested with the franchises of the act. This act does not create a corporation by its own force only; the prescribed subscription is a condition precedent to the existence of the corporation. The corporation came into existence, probably, upon the election of directors by the subscribers. *Putnam v. Sweet*, 1 Chandler, 286.

It is not pleaded, and does not appear, when the corporation was actually organized. For all that appears here, it may have been at any time between 1847 and 1850. We are inclined to think, however, that under such a charter, when the existence of the corporation appears, as here, there is a presumption that it was organized immediately after the passage of the charter. In this case, there is certainly a presumption that the corporation was *in esse* before the passage of the supplementary corporation by name. This is not, of course, conclusive of the fact, but it is all that we have in this case now: and we must presume, for the purpose of this motion, that the charter was accepted and the corporation organized under it, before the adoption of the State Constitution in 1848.

The original charter contains a franchise, upon completion of the road or any ten miles of it, to take such toll as the company should think reasonable.

The road was not constructed till after the adoption of the Constitution, but it was constructed under the territorial charter. And the title to the franchise which runs with the road, dates from the organization of the corporation.

There may be facts which are not before us, or there may be legislation which we have not been able to find, which might operate to make the defendant hold the road built in pursuance of the territorial charter under franchises granted to the defendant, or to the defendant's grantor, by the state, and so bring the franchises of this road under the reserved power in the constitution. On the argument, we called on the Attorney General for information on this point: we were only informed that the territorial charter contained a reserved power to alter or repeal.

On examination, we find this to be a mistake. The only power reserved is in section 20 of the act. And that only provides that, in case of violation of the charter by the company, the territorial or state legislature might resume the rights and privileges granted by it.

The right reserved in this section is dependent on violation of the charter. That must first be established. That is clearly a judicial function. We need not stop to inquire whether the territorial legislature could have exercised such a function under such a clause, and thereupon repeal the charter. Nor whether the state legislature could do it now. It is enough that neither has done it. And, in any case, the power reserved is simply one of repeal, which can in no way aid the application of chapter 278 to the road built under the territorial charter.

Sections 1 and 2 of art. XIV. of the state constitution provide, if provision were necessary, for the continuance of the territorial charter in force under the state government.

We have carefully examined the several acts of the state legislature applicable to the title of this road, so far as it is disclosed to us; and we find nothing to defeat or impair the franchises of 1847, as appurtenant to this road, to this day. Sec. 1 of the act of 1860, and sec. 28 of chap. 79 of the revised statutes, both provide that the purchasers on the foreclosure should take the road with the franchises relating to it, as granted to the original company. And this seems to be recognized by the act of 1868. This is not a new grant of franchise. The state had licensed the mortgage of the road and franchise, the corporation had mortgaged the road and franchise, and both were vested in the purchasers by operation of law. The provision of the act of 1860 was only declaratory of an existing right. And as far as the facts are before us, we see nothing to sever the territorial charter from the road, or to operate as a surrender of that charter or as a relinquishment of the franchises granted by it, or as an acceptance of new franchise from the state, to bar the corporation operating the road from relying on the franchises granted by the territory. Neither party appears to have investigated the facts, and they may not be all before us. We rest this opinion on what is before us. And we hold the territorial charter of 1847, enlarged by the territorial act of 1848, to be the existing charter of the road built under it from Milwaukee to Prairie du Chien.

This charter, being accepted—as we are bound here to assume—before the adoption of the state constitution, is not affected by the reserved power in that instrument. And it is undoubtedly a contract within the rule in the Dartmouth College case, which the state legislature cannot impair. And we have, therefore, the direct question, whether the franchise granted by it, to take such tolls as the company should ‘from time to time think reasonable,’ is part of the obligation of the contract which the state cannot impair, and whether it would be impaired by the application to it of the rule of fixed maximum tolls prescribed by chapter 278.

We are of opinion that the franchise is not one vesting in the corporation an absolute right of exacting whatever tolls it might see fit. The courts have authority to limit the right to reasonable tolls; to tolls reasonable, not in the arbitrary judgment of the corporation, but in fact. That is, indeed, as against a great railroad company, not a very effective remedy. But the law gives the remedy to all aggrieved by the exaction of unreasonable tolls. The question here, however, is not what the courts can do to control the exercise, but what the legislature can do by statute to limit the right, of a franchise so broad that it seems to invite extortion.

We have already sustained the power of the legislature to limit rates of toll of railroads subject to legislative control. But that power rests on the authority of the legislature, not on the reasonable rate of tolls fixed. And the restraint of a franchise to take reasonable tolls, to tolls reasonable in fact, is a judicial, not legislative function. Any authority of the legislature, not under the reserved power of the constitution, to regulate tolls under a franchise to take tolls, cannot be derived from the judicial function, but must rest in some proper legislative function.

And therefore, as far as the legislative power over it is concerned, this must be taken as a valid and absolute franchise to take tolls at discretion.

And here, again, we think that the question of the right to take tolls, without a franchise to take them, does not arise. Because the legislature has given, and the corporation has accepted, a franchise to take them. Whatever right there might have been, outside the franchise, is merged in the franchise. Both parties are bound by the franchise. Viewed as a contract, the franchise is the written agreement between the parties on the subject. Had we

been able to agree with the defendant's counsel, that the right to take tolls is not derived from the franchise, but is—in the language of Mr. Justice Strong—an attribute of ownership, we are inclined to think that we might have ruled this point differently. But we have to do here with the right under the franchise, not with a right which might have existed without the franchise.

We have no doubt of the general authority of a state legislature to regulate the tolls of a corporation of this character, as a necessity of public welfare and public order, under the sovereign power of police, when the exercise of that power is not in some way suspended or restrained.

But the right of the corporation here to take tolls at discretion, being thus fixed by express franchise in their charter, there seems to us to be no room for doubt that, viewing the charter as a contract, the franchise is a positive grant to take tolls in the manner and to the extent prescribed by it, subject to such judicial construction and control as it may bear; and is a vital part of the contract of the charter within the authorities.

We are not considering the charter as a mere statute. We are considering it, in obedience to the Dartmouth College rule, as a contract. We are not giving our own views of its effect. We are looking at it in the mirage of Federal construction. Considering this matter of purely state law and state polity, we are sitting *in vinculis*, bound by an interpretation of the prohibition in the Federal Constitution, on a subject with no Federal relation, which we think it ought not to bear, and which, it is admitted, it was not intended to bear; but which, while it stands, emasculates state authority over state corporations. We are sitting on this question of state law and state polity, not so much as the supreme court of Wisconsin, as an inferior Federal court. And we are bound, on this subject, to rule, not as we think, but as the Federal Supreme Court thinks. The adjudications of this court on state law and state policy, having no possible relation to Federal law or Federal policy, have been frequently overruled by that court, without excuse found in the Federal constitution. We do not mean to give an opportunity now, with excuse. On this point, we admit and defer to their authority. It is an evil example, subversive of judicial order and judicial authority, not becoming judges or courts, to disregard the authority of courts within their peculiar and appropriate jurisdiction, whether it be of Federal by state courts, or of state courts by Federal. We do not propose to follow a bad example. And, in all questions under the Federal constitution, it is the duty and choice of this court to follow, as nearly as it can, the principles and spirit of the adjudications of the Federal Supreme Court.

We think that the state ought to possess the same power over this, as over other railroads. And we think that the right of the state to control territorial charters, independently of the reserved power, ought to exist, as one well founded in principle. We are even inclined to think that the weight of state authority is in favor, rather than against it, even under the Dartmouth College rule. We have considered, with great interest, an able and instructive note of Judge Redfield to the case of *Philadelphia, W. & B. R. R. Co. v. Bowen*, Am. Law Reg., March, 1874. We think, however, that the distinguished jurist had too little in his view the spirit and scope of the decisions of the supreme court of the United States, and that he shows rather what the law ought to be, and ~~would be~~ but for those decisions, than what it is under them. He seems to ~~be~~ that the Dartmouth College rule is being pushed to such an extreme as will ~~ultimately~~ defeat it altogether, by a *reductio ad absurdum*. So many are beginning to think, and so we think. But we think that he errs in laying the blame on those who oppose the extent of the rule, which we think belongs to those who support it. But, after very deliberate consideration, we find that the principle and state authority leave us no room for doubt, that this case comes within the prohibition, under the decisions of the supreme court of the United States.

We think that the rule to be gathered from all the decisions, and which should govern us, is accurately stated in Judge Cooley's excellent work, and we give it in his own words:

"The limit to the exercise of the police powers in these cases must be this: the regulations must have reference to the comfort, welfare or safety of society; they must not be in conflict with any provision of the charter: and they must not, under pretence of regulation, take from the corporation any of the

essential rights or privileges which the charter confers. In short, they must be police regulations in fact, and not amendments of the charter in curtailment of the corporate franchise." Cooley's Const. Law, 577.

The fixed limitations of toll in chapter 273, if applied to the territorial franchise, would limit tolls under the latter whether the fixed rates be reasonable or not. And we think that we have sufficiently explained the conflict between the two, to show that the state act does essentially limit a right which the territorial charter confers.

The very point which arises here has not, so far as we are aware, been passed upon by the supreme court of the United States. But the principle governing it has been in many cases. We shall not attempt to review the cases. We will only say that a court, which has several times held that state relinquishment of the sovereign right of taxation in favor of a corporation, is a valid contract which the state cannot impair by resumption of the right to tax, is not to be expected to sustain such a substantial impairment of a franchise to take toll, which, at its worst, could affect no public power of the state, and could only be abused by individual extortion. And, in view of all their decisions, and in submission to them, we feel bound to hold the territorial charter of 1847, enlarged by the territorial act of 1848, to be a contract within the prohibition of the federal constitution, the obligation of which the state can pass no law to impair; and that the provisions of chapter 273 of 1874, limiting the tolls of railroads, operated by the Chicago, Milwaukee and St. Paul Company, if applied to the road from Milwaukee to Prairie du Chien, built under that charter, would impair the obligation of the contract of that charter; and that, therefore, those provisions of chapter 273 do not apply to that road.

If, indeed, that charter was not accepted, and the corporation under it was not organized before the adoption of the state constitution, a grave question would arise of the effect of the reserved power in the state constitution upon the charter accepted and the corporation organized, after that instrument had gone into operation. But that question is not here, and we express no opinion on it.

VIII. Before the commencement of the argument an objection was made to the hearing of these motions on the verified informations of the Attorney General, unsupported by affidavit. We hold, on the authority of the *Attorney General v. Cahoes Co.*, 6 Paige, 138, and other cases, that an information of the Attorney General *ex-officio*, acting under the sanction of his oath of office, is equivalent to a bill in chancery verified on information and belief. Like such a bill, it will call, in proper cases, for answer under oath. But, as in case of such a bill, an injunction will not usually go upon it, unsupported by positive affidavit, until after the defendant has had the opportunity to contradict it on oath, and has failed to do so.

We say this now only for the purpose of settling the practice. In these cases the difficulty was cured by affidavits filed by the Attorney General before the motions were heard, which the defendants had leave to answer, of which they declined to avail themselves.

These affidavits, uncontradicted, establish what we presume that defendants denied only *pro forma*, the disregard of the *maximum* rates of toll prescribed by chapter 273 of 1874. Indeed some of the affidavits filed by the Chicago, Milwaukee and St. Paul Company admit the violation of that rule of rates, and some of those filed by the Chicago and Northwestern Company very forcibly imply a similar violation. We, therefore, take the fact to be undisputed.

IX. These views substantially dispose of these motions. A moving appeal was made to us on the argument, if we should sustain these informations, to withhold the writs in our discretion. The appeal was such and so made as could not fail to leave a deep impression on our minds. It was founded on very strong affidavits of the injurious effects to these defendants and to the public interest in their well doing, which it was feared would result from the enforcement of the rates of toll prescribed by the statute. These affidavits are entitled to great respect. They are not the affidavits of speculators, at a distance, in the affairs and control of these railroads, reputed

to play with the public and private interests involved in them, with cruel success. They are chiefly affidavits of well known men of high character and standing, of great experience in the affairs of railroads, and specially conversant with these roads. And we may well be permitted to say here that there is great cause for regret, that these men and others like them, acquainted with the state and its people, their resources and their needs, and likely to act in sympathy with them as well as for the true interest of the roads, have not been independent in the local management of these corporations. If they had been, we are quite confident that there would have been no cause for this unfortunate controversy. But the affidavits, after all, give us only their theories, which do not satisfy us of the ruin which they foretell. Still the appeals seemed so urgent or so sincere that they left impression enough on our minds, to make us somewhat reluctant to grant the writs. But we have no discretion to disregard our plain duty.

It is true that it said that the granting or withholding of an injunction rests in the sound discretion of the court. But that is judicial discretion, not wilful choice. And the rule is applied to injunctions in aid of private remedies. The same rule applies to *mandamus* in cases of private right. But it does not apply to the application of the writ to things *publici juris*. There the writ goes *ex debito justiciæ*. The court has no discretion to withhold it. Tapping, 287.

We need not repeat here the analogies already stated between the two writs used as prerogative or *quasi* prerogative writs, to protect public right. And we have no more discretion to withhold injunction to restrain violation of public right, than to withhold *mandamus* to enforce public duty.

We have held that here is positive violation of positive public law to positive public injury, and that we have jurisdiction of this writ, as a prerogative writ, to restrain it. There is no room for discretion. The duty is positive, *ex debito justiciæ*. The discretion which we were urged to exercise would be discretion to permit the violation of the laws which we sit here to enforce. It was said to us by counsel, in a professional and not offensive sense, that we dare not issue these injunctions. We reply that, holding what we have held, we dare not face the judgment of the profession for withholding them.

We disregard the appeal made to us reluctantly. But it is not to us that such appeal should be made. We had no part in promoting these cases. We have no voluntary part in the decision of them. We only obey the law as we understand it. We cannot care for consequences. We must do our duty, be the consequences what they may. If such appeal be fit, it is fit to make to the attorney general, not to us. He can heed it. We cannot.

But while we have no discretion, we have power to impose terms which seem to us just. We have already expressed the opinion that the informations in the nature of *quo warranto*, pending in this court against these defendants, are not a bar to these informations, and our reasons why this may be considered the better remedy. But we do not think that the attorney general should have both remedies at once. He has an election, but he must elect. If he has these injunctions, he should dismiss those informations. And time will be necessary to these defendants to arrange the change of rates. We presume that the remaining half of this month will be adequate.

And, therefore, before these injunctions issue, we require the attorney general to dismiss the pending informations in the nature of *quo warranto*, and to file in these causes a stipulation signed by him *ex officio*, and approved by the court, or one of the judges of the court, that the state will not proceed by way of *quo warranto* for forfeiture or for contempt in violating the injunction to issue against the defendants, for any violation of the provisions of chapter 278 of 1874, involved in these causes, done or suffered to be done prior to the first day of October next.

If the time allowed for the change should be found insufficient, the defendants may move, on notice and proper proofs, to enlarge it on either of the remaining Tuesdays of this month.

On the terms stated, the injunctions will issue as to all the roads of the Chicago and Northwestern Company, and as to all the roads of the Chicago, Milwaukee and St. Paul Company, except the road from Milwaukee to Prairie du Chien, built under the territorial charter of 1847, 1848.

If the Attorney General should be advised that the corporation under the

territorial charter was not organized until after the adoption of the state constitution, he will be at liberty to renew his motion as to the road now excluded from the injunction.

If the Chicago & Northwestern Company should make it appear that one of the roads now included in the injunction was organized under the general railroad act of 1873, they will be at liberty to move to dissolve the injunction as to such road.

But if such motions should be made, they will be heard only on the particular ground reserved in each case in this opinion.

No statute could have force to abolish any writ given to this court by the constitution, as it existed when the constitution was adopted. And, as our jurisdiction was founded on the writ of injunction, we think it better practice in such cases to send out the writ itself.

NOTICE BY THE ATTORNEY GENERAL

Of a motion to include the Milwaukee and Prairie du Chien Division of the Chicago, Milwaukee and St. Paul Railway in the injunction ordered by the Supreme Court on the 15th of September, 1874.

In Supreme Court.

THE STATE OF WISCONSIN VS. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

Take notice according to the leave of the court given, a motion will be made before the Supreme court at the court room in the capitol at the city of Madison, on the 22d day of September instant, at the opening of the court on that day, that the injunction ordered to be issued by this court on the first day of October next, I shall apply to and extend over the railroad of the defendant extending from Milwaukee to Prairie du Chien, known as the Milwaukee and Prairie du Chien branch of said defendant's railroad, or for such other or further order for relief as the plaintiff may be entitled to. That said motion will be founded upon an official paper and copies of which are herewith served, and upon the several acts of the legislature of the territory and state of Wisconsin, relating in any way to said railroad.

Dated September 17, 1874.

A. SCOTT SLOAN,
Attorney General.

To J. W. CARY, *Defendant's Att'y.*

In Supreme Court.

THE STATE OF WISCONSIN VS. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

STATE OF WISCONSIN—*Milwaukee County*—ss.

I, James Kneeland, being duly sworn, says that he was one of the first Board of Directors of the Milwaukee and Waukesha Railroad Company; that said first Board of Directors was elected on the tenth day of May, A. D. 1849; that said company was organized on that day, and that said company was not organized prior to that day.

JAMES KNEELAND.

Subscribed and sworn to before me this 17th day of September, A. D. 1874.

GEO. H. NOYES,
Notary Public, Milwaukee County, Wis.

At a meeting of the Board of Commissioners of the Milwaukee & Waukesha Railroad Company, held in pursuance to public notice, as prescribed by law: Present—Samuel W. Weeks, President of Board; Daniel Wells, Jr., Byron Kilbourn, Alexander F. Pratt, Edward D. Holton, William A. Barstow, Alex. W. Randall and Josiah A. Noonan, the following order, among others, was made, to wit:

It appearing to the Board of Commissioners, from subscriptions presented, payments made, and from the receipts of the treasurer, that one thousand shares of stock of one hundred dollars each, have been subscribed, and five dollars on each share actually paid in, as required by law, it is ordered, "that the statement of the secretary and two or more of the commissioners, authenticated by their oaths, that the subscriptions and payments have in good faith been made as required by the act of incorporation, be deposited with the treasurer of the county of Milwaukee."

L. W. WEEKS, *Pres't.*

Attest: ALEX. W. RANDALL

Dated April 5, 1849.

STATE OF WISCONSIN—*Milwaukee County*—ss.

Alex. W. Randall, Secretary, and L. W. Weeks, Daniel Wells, Jr., E. D. Holton and Byron Kilbourn, Commissioners, being duly sworn, do state that the subscriptions and payments mentioned in the foregoing order, which have been made, have been in good faith made.

ALEX. W. RANDALL,
Secretary.

L. W. WEEKS,
DANIEL WELLS, JR.,
E. D. HOLTON,
BYRON KILBOURN,
Commissioners.

Subscribed and sworn to, this fifth day of April, A. D. 1849, before me,

CHARLES K. WELLS,
Notary Public. [SEAL.]

STATE OF WISCONSIN—*Milwaukee County*—ss.

I, Edward Ehlers, treasurer of the county of Milwaukee, in the state of Wisconsin, do hereby certify that the foregoing is a copy of a certain paper now on file in my office, endorsed as being a certificate and statement of the subscriptions of stock in the Milwaukee and Waukesha Railroad Company; and I further certify that such copy has been compared by me with the original paper now on file in my office, and that it is a correct transcript therefrom, and of the whole shares of stock subscribed.

In witness whereof, I hereto signed my name.

EDWARD EHLERS,
Treasurer Milwaukee County.

Milwaukee, this 18th day of September, 1874.

OPINION OF THE SUPREME COURT

On the foregoing motion of the Attorney General, to include the Milwaukee and Prairie du Chien Division of the Chicago, Milwaukee and St. Paul Railway, in the injunction granted by the Supreme Court, September 15, 1874.

THE ATTORNEY GENERAL VS. THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

In passing upon the principal motion of the Attorney General for an injunction against the defendant, we excepted from the writ then allowed, the railroad of the defendant from Milwaukee to Prairie du Chien, built under the territorial charter of 1847, 1848. There was then no evidence before us of the time when the Milwaukee and Waukesha Railroad Company was organized under that charter. But we held that, in the circumstances and especially because there seemed to be a recognition of the corporation as organized, in the territorial act of 1848, there was a presumption that the charter was accepted and the corporation organized before the adoption of the state constitution. But there was sufficient doubt of the actual fact, to induce us to give leave to the Attorney General to renew his motion so as to include that road in the injunction, if he should be so advised.

He has accordingly made this motion, and in support of it he produces a certified copy of the statement of subscription and payment of capital stock, required by section 2 of the charter of February 11, 1847, dated April 5, 1849, and filed as the section required, with the treasurer of Milwaukee county, in the same month, and also an affidavit of the election of the first board of directors, May 10, 1849.

This is conclusive of the fact that the charter was accepted and the corporation organized many months after the adoption of the constitution and the admission of the state into the Union by congress. It would have saved great trouble had the attorney general presented the fact on the first motion.

It is true that the defendant has filed an affidavit showing that, as early as November, 1847, and from thence till the organization of the corporation in 1849, action was taken by the commissioners appointed by the charter to receive subscriptions to the capital stock of the proposed corporation, who elected a president and secretary, and opened the books of subscription to the stock, and caused application to be made to the territorial legislature for the supplementary act of March 11, 1848, all tending towards the organization of 1849. The affidavit states that by April 5, 1849, the necessary subscriptions and payments were made, but does not state that any subscription was made before the establishment of the state government.

We do not think that these statements touch the conclusion to which we have come. The proceedings led up to the acceptance of the charter, but could not, by the terms of the charter, operate as an acceptance of it. Even if it had appeared that there were subscriptions to the stock before the territory had become a state, such subscriptions, short of \$100,000, required by the charter, could give no right to the subscribers to accept the charter. The terms of the charter expressly exclude such a right. The charter prescribes the conditions of acceptance. It gives no such right to the commissioners. They were only officers of the territory to fulfil a given function. And it gives no such right to the subscribers, until they should have subscribed the entire capital stock and made certain payments towards it. Then and then only, the charter confers on them the right of acceptance, in the manner which it provides; that is, by filing the very certificate of April 5, 1849. On and by the doing of that, the charter declares that the subscribers should be created a corporation. And thereupon an election of directors should be had, until which the commissioners should act as directors. There may be some doubt when the corporation actually came in *esse*, whether on the filing of the statement or on the election. *Putnam v. Sweet*, 1 Chandler, 286. That question is not material here. It is very certain that, by the terms of the

charter, it was accepted by the making or the filing of the statement, and not before.

We have been referred by the defendant's counsel to some authorities holding that acceptance of a charter applied for, or beneficial to the corporation, may be presumed; and that, in similar cases, slight acts of the corporators looking towards acceptance, are sufficient to establish it. But these authorities relate to charters naming the corporators and declaring them incorporated, without preliminary steps, *ipso facto*, by force of the charter. These rules have no application to charters not naming the corporators and prescribing conditions and formalities by which indeterminate persons may become incorporated. We take the distinction to be correctly stated by Angell and Ames, Sec. 88: "A corporation created by statute, which requires certain acts to be done, to establish its existence; but this rule does not apply to corporations declared such by the act of incorporation."

Such a charter is held to be a contract between the political body granting it, and the corporators under it. The territory of Wisconsin proffered such a contract by the charter in question. So proffered, it remained a mere proposal, *in fieri*, until accepted according to its terms. Who could accept it? Not the commissioners, as we have seen. Only the subscribers. When could they accept it? Only upon subscription of the full amount of capital stock. How could they accept it? By making and filing the statement of subscription. And the commissioners could do no act, at any time, tending to prove acceptance, because they had no right to accept. And the subscribers could do no act tending to prove acceptance, before the subscription of the whole capital stock; because, until then, they had no right to accept. Such evidences of acceptance, as the defendant relies on, must be accompanied by a present right to accept, or they go for nothing.

The territorial charter remained a naked, unaccepted proposition, until April 5, 1849, long after the territory had ceased and the state was in existence.

The defendant, however, insisted that, be this as it might, the territorial act of March 11, 1848, recognized the corporation as organized; and that therefore it is not competent for the state now to question its organization prior to the passage of that act. The act of 1848 does *prima facie* imply such a recognition; but as we said in passing on the former motion, that is not conclusive. That is a matter on which the legislature might well be misled or misinformed. And, even if the act declared in terms that the corporation had then been organized, we cannot see how such a declaration could prevail over the manifest fact, that the corporation was not organized for upwards of a year after. But the act contains no such declaration. It is entitled an act supplementary to the original charter, and gives new powers to the corporation authorized by the original charter, giving them throughout to the corporation so authorized, by its corporate name. Without the fact of the subsequent organization, that seems to imply present organization of the corporation. But the language of the act may well go upon either theory, that the legislature understood that the corporation was not organized, or that it was misled into a belief that it was. The use of the corporate name throughout the act does not necessarily imply that the corporation was already *in esse*. It is quite consistent with the truth that it was still only *in posse*. And the fact, now appearing, does away with a different presumption of fact, as we held it would do in our former opinion.

Some cases were cited to show that legislative recognition in a subsequent statute of a corporation *de facto*, will cure irregularities in its organization and waive forfeitures incurred. *People v. Manhattan Co.*, 9 Wend, 351; *Railroad Co. v. Barnard*, 31 Barbour, 258. We do not perceive the application of these cases to aid the view of the defendant. The principle on which they rest appears to us to go the other way. Such recognition has relation to a corporation *in esse*, waiving irregularity and forfeiture. An act of the legislature, relating to a corporation, not creating or authorizing one, may well have the effect of condonation, but not of creation. It goes by way of confirmation or release; and there must be a corporation *de facto* to be confirmed or to be released. Here there was no corporation *de facto* to confirm or to release. The inherent trouble of the defendant's position is that it goes to contradict an admitted fact, and it gives life to a corporation a year or so before it was born.

The Attorney General having established the fact, as we now hold it to be established, we signified our intention to confine the further discussion of this motion to the legal effect of the fact on the question of the right of the state to alter or repeal the charter. Two other points were discussed, however, which we shall briefly notice.

It was urged, against the views we had before expressed, that the state statutes authorizing the mortgage of the road built under the territorial charter, and authorizing the purchasers on foreclosure to organize anew with the territorial franchises, operated as a grant from the state of the franchises of the territorial charter. We cannot think so, for the reasons assigned in our former opinion. The franchise is *quasi* property. And by whomsoever held, under whatsoever chain of title, is derived from the territorial charter, not from the state statutes. The state statutes did not create it, and do not grant it. They simply authorized the sale and purchase, and the organization by the purchasers of a new corporation, to hold the old franchise under the old grant. The state statutes are merely enabling acts, conferring no franchise, but only authorizing the transfer of the title to existing franchises. If one purchase under a statute, enabling a person otherwise incompetent, to convey, or enabling a corporation before unauthorized, to convey, he surely does not take his title from the state; he takes his title by authority of the state, but he takes it from his grantor. The title of the Milwaukee and Prairie du Chien Company to the franchise was derived from the territorial charter, though so derived and held by permission of the state. The question turns on the title of the vendor, not on the license given to him to convey; on the title to the thing purchased, not on the license of the purchaser to hold it. The authority given to the purchasers to organize a corporation to operate the railroad, is very similar to authority given to an alien to hold real estate. Both take the authority from the state, but not the title. All these state enabling acts might be repealed without impairing the franchises of the territorial charter, however the repeal might affect the title to them. We have no doubt of this position; and we think that it is fairly recognized in *Vilas v. Milwaukee and P. du C. R. R. Co.*, 17 Wis., 497.

It was suggested with much ingenuity that, as the territory was the creature of the United States, the state upon its organization succeeded to the the sovereign rights of the United States in the territory, as well those reserved by the United States as those delegated to the territorial government; full sovereignty subject only to the federal constitution. And that, as the organic act of congress reserved to that body the right to annul all acts of the territorial legislature, the state succeeded to that right. We cannot think so. Waiving all questions of the sovereign rights of the United States over the territory, the state came into the Union, "on an equal footing with the original states in all respects whatever." The United States derive their powers from the states, and the states theirs from the United States. And though Wisconsin became a constituent of the United States 'as one born out of due time,' it is none the less an equal constituent with the original states. On its establishment, it took no governmental rights or powers from the United States, as a State. As a member of the Union, it took, in common with all the other states, such rights as the federal constitution confers on the original states, as members of the Union. The sovereignty and rights of the sovereignty of this state came from no organized power. They are inherent in and are derived from its people. The power of congress over territorial legislation was an incident to the territorial condition, and lapsed, with the territorial government, when the state came into being. This state, *spee facts*, assumed all political authority within its boundaries, not limited or surrendered by the constitution of the United States. And the source of all legislative authority within its bounds must now be found in the state and federal constitutions, and nowhere else.

On the argument of the principal motion, it was not suggested at the bar, and it wholly escaped our attention, that a general act concerning corporations in the territorial revision of 1839, reserved to the territorial legislature, power to amend, alter or repeal all subsequent acts of incorporation. This act remained in force until the first state revision in 1849, when it, with many others, was repealed; the repeal to take effect January 1, 1850, with a saving

clause, that the repeal should not affect any right accrued under any of the statutes so repealed.

The Attorney General has now called our attention to this act. And it was argued that the reserved right to amend, alter or repeal the territorial charter, entered into and became a part of the contract of the charter, when accepted; and thus became a right accrued, which was not affected by the repeal; that the repeal could not take effect as to the territorial charter, so long as the charter itself remained unrepealed; the reserved power continuing so far to exist, by force of the charter itself, as a contract. These are nice questions, not necessary to the disposition of this motion, and on which we shall therefore not express an opinion.

If the territorial charter be a contract, as is held, it became such only upon acceptance by the corporators. Before that, as already seen, it rested in proposition, to ripen into a contract upon acceptance in the manner which it provided. And being so accepted after the territory had ceased to exist, it never became a contract between the territory and the corporation. The state constitution, as already observed, continued in force all territorial acts not repugnant to it. The charter thus became a statute of the state. And its acceptance, after the organization of the state, so far as it is a contract, makes it manifestly a contract with the state. There was then no other public authority or political body with which the corporators could contract. It is either not a contract or it is a contract with the state.

The state adopted the charter then a mere statute, not a contract, so far only as it was not repugnant to the constitution. With the reserved power of the territorial act of 1869 entering into it and forming part of it, as a proposition, it was in no way repugnant to the constitution. Without that power, it manifestly was. It is true that the language of Sec. 1, Art. XI, is expressly prospective. But it is prospective not only as to acts of incorporation, but also as to the formation of corporations. "All general and special acts enacted under the provisions of this section may be altered or repealed;" and, "corporations may be formed," etc. The whole section, taken together, signifies clearly, not only that no charters should be passed, but also that no corporations should be formed, not subject to the reserved power. It seems to us quite plain that a territorial charter, not subject to the reserved power, and not yet accepted, was "a law in force in the territory, repugnant to this constitution." Art. XIV, Sec. 2. And the position that its acceptance from the state, after the adoption of the constitution, was an acceptance subject to the reserved power in the territorial act of 1869 and in Sec. 1, Art. XI of the constitution, is certainly a very strong one. There is high authority for going even further. After saying that a private corporation may forfeit its franchises by misuser or nonuser, Mr. Justice Story says: "This is the common law of the land, and is a tacit condition annexed to the creation of every such corporation. Upon a change of government, too, it may be admitted that such exclusive privileges attached to a private corporation as are inconsistent with the new government, may be abolished." *Torrett v. Taylor*, 9 Cranch, 48. A *fortiori* may this be said of a charter passed before and accepted after a change of government. There is indeed some conflict between these views and those expressed in *State v. Ross*, 11 Ohio, St., 16. But we shall not comment on that case or pursue this consideration further, because we shall not rest our decision wholly on it, as there appears to us to be safer and clearer ground for it to stand upon.

It was quite competent for the state constitution to have repealed all laws of the territory which had not ripened into contracts, under the rule in *Dartmouth College v. Woodward*, 4 Wheat., 518. So it was competent for it to adopt them. So also to adopt them *sub modo*. This last is what the constitution did. Sec. 1, Art. XIV, provides that all rights, actions, contracts, etc., as well of individuals as of corporations, shall continue and be as valid as if no change from territorial to state government had taken place. This provision is in favor of rights and contracts, and is properly absolute. It might have applied to the territorial charter, if then accepted. Sec. 2 provides that all laws then in force in the territory, not repugnant to the constitution, should remain in force until they should expire by their own limitation or be altered or repealed by the legislature. This provision has relation to public policy,

and is properly subject to absolute legislative control. The distinction is a just one, and is very marked and manifest.

It may be that the territorial laws would have survived the change, without this constitutional provision, as the laws of conquered countries are said to survive conquest. Even in that case, they would have been subject to repeal. But the territorial laws actually survived the change, by force of no such principle, but by the express provision of the constitution. That instrument expressly continued them in force, until altered or repealed by the legislature, and no longer. The effect is to render subject to subsequent alteration or repeal, all territorial laws which were then subject to alteration or repeal. This makes all such laws expressly subject to alteration or repeal, the identical words of the reserved power in sec. 1, art. XI. And this use here of the very words used there, and the provision for laws expiring by their own limitation, raise a very strong presumption that sec. 2, art. XIV, has special relation to corporate charters. For there was probably no statute of the territory which would expire by its own limitation, except such charters. Indeed the whole provision for alteration or repeal is nugatory, except so far as it has relation to charter contracts within the Dartmouth College rule; for all other laws would be subject to repeal without any provision for it. The provision was probably intended to take the place of the reserved power in the territorial R. S. of 1839, which, being so replaced, was accordingly repealed in the first state revision in 1849.

We therefore hold that the unaccepted territorial charter of the Milwaukee & Waukesha Railroad Company, till then subject to alteration or repeal by the territorial legislature, was continued in force by Sec. 2, Art. XIV. of the constitution, subject to alteration or repeal by the state legislature, just as a charter by the state; and all the positions of our former opinion in regard to state charters apply equally to the territorial charters of 1847, 1848.

The present motion of the Attorney General must therefore be granted.

ORDER OF THE COURT.

STATE OF WISCONSIN VS. CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

This motion of the Attorney General in this case, to vacate so much of the order in this cause, made on the 15th day of September, inst., as excepts from the writ of injunction thereby ordered to issue, the railroad from Milwaukee to Prairie du Chien, under and in pursuance of two acts of the legislature of the territory of Wisconsin, approved, respectively, on the 11th day of February, 1847, and the 11th day of March, 1848, as in the said order were particularly stated, having been heretofore fully argued by the counsel of both parties, and submitted, and having been duly considered by the court, and it appearing that the said writ of injunction has not yet been issued, it is now ordered by the court, that so much of the said order of this court, made on the 15th day of September, inst., as exempts from the said writ of injunction, the said railroad from Milwaukee to Prairie du Chien be, and the same is hereby vacated, and that the said writ of injunction, when issued, shall include all the railroads in this state, owned, operated, managed or leased by the defendant.

LETTER OF ALEXANDER MITCHELL,

President C., M. & St. P. R. R. Co.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY,
GENERAL MANAGER'S OFFICE,
MILWAUKEE, Sept. 28, 1874.

His Excellency, W. R. TAYLOR, *Governor, etc.:*

SIR: On the 28th of April last, I, as President of this company, sent you a communication on the subject of the so-called "Potter Law," and advising you of the course which the company had determined to pursue in relation to it, and the reasons therefor.

In that communication, I stated that "the Board of Directors have caused this act to be carefully examined and considered by our own counsel, and by some of the most eminent jurists in the land, and after such examination, they are unanimous in their opinion that it is unconstitutional and void. The Board of Directors are trustees of this property and are bound faithfully to discharge their trust, and to the best of their ability protect it from spoliation and ruin. They have sought the advice of able counsel, and, after mature deliberation, believe it their duty to disregard so much of said law as attempts arbitrarily to fix rates of compensation for freight and passengers."

The "Potter Law" was without precedent in the history of any state or country, disastrous in its effects and wholly uncalled for by anything this company had done or failed to do.

Under these circumstances, the officers of this company not only believed they were justified, but that it was their duty to decline to conform to its requirements until its validity and binding force were declared by the courts. That decision has now been made. The act by its terms embraces all the lines operated by this company within this state, and all of its business except "for carrying freight which comes from beyond its boundaries and to be carried across or through the state."

As to so much of said act as relates to interstate business, that is, passenger and freight business crossing a state line, the counsel for the state appear to have regarded it as so manifestly unconstitutional that they have not asked the court to enforce it. But as to our local business, they hold it valid and binding upon the company.

We shall, therefore, as law abiding citizens, at once conform our action to said decision, and endeavor to obey it in good faith until it is reversed by the supreme court of the United States, or until the law is repealed by the legislature of the state.

Since my communication to you, before referred to, I have discovered no reason to change the views therein expressed with respect to the "Potter Law," aside from the question of its validity.

To deal arbitrarily with a question of such magnitude, and to attempt under form of law to coerce the railroads to serve the public for inadequate compensation, must necessarily result in failure, and be productive of consequences no less unfortunate to the people of the state than to the railroad companies themselves.

As an example of the reasons given in support of this law, I may refer to statements recently made, apparently on official authority, as to the value of the roads of this company, based on the cost of the half-built and half-equipped lines of twenty years ago. With equal justice and propriety might the farming lands of to-day, the value of which these roads have done so much to enhance, be estimated with reference to their original cost of ten shillings per acre thirty years ago.

No more money can now be obtained from any one, anywhere, for the construction of railways in Wisconsin, or for the providing of equipment for existing lines, and a stoppage of many contemplated improvements has become a matter of necessity. All objects and motives on the part of the

stockholders in our railroads to improve the value of their property by further advances of money, are now obviously cut off, for looking at the "Potter Law," and the arguments by which it is sustained, what security is there that a future legislature may not appropriate to the public use without equivalent, all the benefits new outlays may have created.

We do not seek the advancement of the interests of our company at the expense of other interests of the state, and I have no doubt it will soon be found that any law which discourages the investment of private capital in incorporate undertakings cannot but eventually be highly prejudicial to the prosperity and development of the state at large.

If it be the case when a number of individuals join their capital and combine in a corporation for some great public work they have no constitutional rights which the legislature is bound to respect, but that the very existence of their capital is subject to the caprice of a majority of those annually elected to the legislature, it behooves, to say the least of it, those holding this unlimited power to exercise it with the greatest prudence and care, and it requires no great sagacity to see that such ill-advised, hasty and reckless measures as the "Potter Law," must forever stop the investment of capital both by our own people and strangers in those great public enterprises so essential to the development of our state.

In view of the fact that the income to which this company is fairly and honestly entitled will, so long as the present law remains in force, be seriously impaired, the question presents itself, what course it ought to pursue. Two courses are open: Either to cut down its train service in respect to both quantity and kind to an extent made necessary by its diminished income, thereby withdrawing from the public the full facilities and accommodations to which they have been accustomed in transacting their business, or continue something near the present service and submit to the loss thereby entailed.

It would be with extreme reluctance that the Directors would adopt the former course, and rather than do so they have decided to make, for the present, large sacrifices.

They the more readily come to this conclusion because the legislature of the state will meet in few months, and, believing as they do, that the "Potter Law" does not embody the real sentiments of the people of the state, in regard to railroads, they feel confident that wiser and better counsels will then prevail, than those which dictated that law — and that legislation alike just to the people and the railroads will be enacted.

I deeply regret that your excellency saw fit to regard the communication of April last as in any manner a defiance of the authority of the state, or that our position should have been represented as one of rebellion against law. It was not so intended, but simply to notify you and through you the people of the state, of the course we felt compelled to pursue as the representatives of the property and interests committed to our charge, in order to obtain a judicial determination of the questions involved at the earliest possible moment. The decision of the court now demonstrates that had we submitted to the law as passed, we should have needlessly sacrificed the rights and property of our stockholders as to the inter-state business of our road.

While I have no doubt that your action in attempting to enforce this law was prompted by a desire to discharge your duty to the state, I trust you will find sufficient ground in what has occurred to accord to me equal honesty of purpose in discharging the duties of my position.

Very respectfully,

[Signed]

ALEX. MITCHELL,
President.

DECISION OF THE SUPREME COURT.*In the case of***HENRY M. ACKLEY and GEORGE VILAS, Respondents, vs. THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY, Appellant.**

The facts of this case all appear by the following stipulation entered into by the parties:

It is hereby stipulated and admitted—

1st. That plaintiffs are the partners and general owners of the lumber, as alleged in the complaint.

2d. That the defendant is a corporation duly organized under and by virtue of the laws of Wisconsin, and engaged in operating a railroad, and that one part of its railroad extends from Oshkosh to Milwaukee, and thence through Oconomowoc to Watertown Junction, and to La Crosse, a distance of about one hundred and thirty miles.

3d. That the Chicago & Northwestern Railway Company is a corporation duly organized under and by virtue of the laws of Wisconsin, engaged in operating a railroad, and that its line extends from Oshkosh to Watertown Junction, and thence to Chicago, and that said road intersects and connects at said Watertown Junction.

4th. That the distance from Oshkosh to Watertown Junction, over the road of the Chicago & Northwestern Railway, is sixty-three miles, and the distance from said Watertown Junction to Oconomowoc, over the road of the defendant, is twelve miles.

5th. That on the 10th day of May, 1874, the said plaintiff shipped said two car loads of lumber at Oshkosh, over the Chicago & Northwestern Railway to Oconomowoc. That said company transported said two loads of lumber over its line of road from Oshkosh to Watertown Junction; and at said Junction, on the 11th day of May, 1874, delivered said two car loads of lumber to the defendant, to be transported by the said defendant to Oconomowoc, subject to the payment of the sum of thirty dollars for the charges of said Chicago & Northwestern Railway Company as its compensation for transporting said lumber from Oshkosh to said Watertown; and that said last named company had no line of road from Watertown Junction to Oconomowoc.

6th. That said defendant on the 11th day of May, 1874, received said two car loads of lumber from said Chicago & Northwestern Railway Company, at said Watertown Junction for transportation to Oconomowoc, and then and there paid to said last named company the aforesaid said sum of thirty dollars demanded by it as its compensation for transporting said lumber.

The action was brought to recover the lumber.

The court instructed the jury that chapter 273 of the Session Laws of 1874 was constitutional and binding upon the railroad companies, that the amount fixed by said act for the transportation of freight was all that the companies were entitled to charge, and that as the distance from Oshkosh to Oconomowoc was only seventy-five miles, the said railroad companies were only authorized to charge fifteen dollars per car load for said lumber, and that as the plaintiffs tendered that amount to the defendant before bringing suit, and the defendant refused to receive the same, the plaintiffs were entitled to said lumber, and that their verdict should be for the plaintiffs.

Due exception was taken on behalf of the defendant to such instructions. The plaintiffs had a verdict upon which judgment was duly entered for a return to them of the property and for costs. The defendant appeals.

LYON, J. This action was commenced before the late decisions of the railway injunction cases were announced and was probably brought to test the validity of chap. 273, laws of 1874, known as the Potter act. In those cases the court did not pass upon that act in detail, but held, generally that the legislature has authority under the constitution, to limit the rates which rail-

way companies may charge and receive for carrying persons and property in this state.

This case raises the question of the validity, in a certain contingency, of specific provisions of the act. Premising that the railways of the defendant company and of the Chicago and Northwestern Railway Company are included in *Class A*, and the car loads of lumber in controversy in *Class G*, the provisions of the act applicable to the case are as follows: No individual, company, or corporation, owning, operating, managing or leasing any railroad or part of a railroad designated in section one as class A or B, shall charge for or receive a greater or higher rate for carrying articles named in the several special classes herein designated than is hereinafter provided, namely, * * * * * Class G, not exceeding eight dollars per car load for the first twenty-five miles, and not exceeding two dollars per car load for each additional twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one and one-half dollars per car load for such fractional part. In computing the rates for carrying any freights according to the provisions of this act, the distance for carrying such freights shall be computed from where it is received, notwithstanding it may pass from one railroad to another. (*Sections 4 and 5.*)

Under the foregoing provisions, it is apparent that the maximum rate for carrying the lumber of the plaintiff from Oshkosh to Oconomowoc, is the same as it would have been, had the carriage terminated at Watertown Junction. From this fact it is contended on behalf of the defendant company, that the act seeks to compel it to transport the lumber from Watertown Junction to Oconomowoc without compensation, and it is agreed that such an enactment is not a valid exercise of legislative power. We do not so understand the act. It is true that had the lumber been consigned to Watertown Junction, the Chicago and Northwestern Railroad Company would have been entitled under the act to demand and recover fifteen dollars per car load for the carriage thereof.

But the lumber was consigned to Oconomowoc, and that company received it so consigned. It received the same with full knowledge that the maximum legal rates for the whole carriage was fifteen dollars per car load, and that the defendant company was to perform a portion of the service.

We are aware of no statute which assumes to give the whole freight to one company and thus compel the other to render services without compensation.

We are of opinion that fifteen dollars per car load is the highest rate of freight that can lawfully be demanded for the whole carriage, and that the same should be divided between the two railway companies, on some equitable principal to be determined by the courts in case the companies invoke the aid of the courts in the premises. Because the act does not require the defendant to transport the plaintiff's lumber without compensation, we are relieved from the duty of deciding what the effect would be, did the act so require.

The plaintiffs having tendered to the defendant the full amount of freight which the statute permits to be charged, were entitled to the lumber, and the judgment of the circuit court awarding to them the possession thereof, is and must be approved.

DECREES CONFIRMING SALES.

DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF WISCONSIN.

DAVID R. MARTIN AND LUCIEN D. COWAN vs. THE MINERAL POINT RAILROAD COMPANY, SAMUEL D. HASTINGS, TREASURER OF THE STATE OF WISCONSIN, JOHN M. KEEP, GEORGE L. SCHUYLER AND THOMAS McFARLAND.

In Equity.

Deed of trust or mortgage dated January 1, 1856. The Mineral Point Railroad Company to Daniel R. Martin and Lucian D. Coman, trustees.

Amount, \$820,000.

Bill of complaint filed April 9, 1856.

Decree signed February 16, A. D. 1861.

Amount of decree for bonds.....	\$820,000
Interest	181,200
Amount due.	<u>\$451,200</u>

All their said road from the village of Mineral Point, Wisconsin, to the village of Warren, in the state of Illinois, being thirty-two and two-third miles of road constructed and to be constructed, together with all and singular the railway, land procured or occupied for right of way, together with bridges, fences, privileges and real estate owned by said company, for the purpose of said road, or which may hereafter be acquired or owned by them, and all the tolls, income, issues and profits to be had from the same, and all lands used for and occupied by depot or stations, with all buildings standing thereon or which shall be procured therefor, together with all locomotives, engines, tenders, passenger cars and freight cars, shops, tools and machinery now owned or hereafter to be acquired by said company and in any way belonging or appertaining to said railroad now constructed and to be constructed, including all its property, real and personal, pertaining to said railroad, and all its rights, credits and franchises thereunto appertaining; all and singular the corporate property, tolls, issues, profits, rights, credits and franchise. Also the locomotives, passenger cars and freight cars as follows;

Three locomotives, named the "John C. Fremont," the "Mineral Point" and the "Warren;" also three passenger cars and forty-eight cars used upon said railroad, and particularly all the property acquired by the said party of of the first part subsequent to January 1, A. D. 1856.

Report of sale filed November 12, 1861. Property above described bid off by James C. Carter for the sum of seventy-five thousand dollars (\$75,000), on the 6th day of November, 1861, at Milwaukee.

November 12, 1861. Report of sale confirmed.

**DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF WISCONSIN.**

**GEORGE S. COE, Trustee, vs. MILWAUKEE & MISSISSIPPI RAILROAD COM-
PANY.**

In Equity.

Mortgage dated June 15, 1852. The Milwaukee & Mississippi Railroad Company to George S. Coe (2d mortgage), amount \$600,000.00.

Bill of complaint filed September 15, 1860.

Decree signed October 12, 1860. Amount of decree (42,880.00), for interest only.

All the following, present and in future to be acquired property of the said Milwaukee & Mississippi Railroad Company, that is to say, so much of their railroad as is located between the city of Milwaukee and the east bank of Rock river, in the state of Wisconsin aforesaid, including the right of way and land occupied by said road, together with the superstructure and tracks thereon, and all iron rails and other material used thereon, bridges, viaducts, culverts, fences, equipments, depots, grounds and buildings thereon, engines, tenders, cars, tools, materials, machinery, fixtures and all other personal property, right thereto and interest therein, together with the name and functions appertaining to the said road, tolls, rents and income to be had or levied therefrom, and all franchises, rights and privileges of the said Milwaukee & Mississippi Railroad Company in or to, concerning the same.

Report of sale filed January 21, 1861. Property above described bid off by L. H. Meyer, Allen Campbell, William Schall, John Catlin and Louis A. Von Hoffman, for the sum of three hundred and fifteen thousand six hundred dollars (\$315,600.00), on the 18th day of January, 1861.

January 21, 1861, report of sale confirmed.

**DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF WISCONSIN.**

**ISAAC SEYMOUR, Trustee, vs. MILWAUKEE & MISSISSIPPI RAILROAD COM-
PANY, THOMAS L. OGDEN, THE CITY OF MILWAUKEE, WILLIAM GOOD-
NOW, JOHN N. BONESTEEL, CARL G. STREUBEL, ALEXANDER McDONALD,
ALBERT SHERWIN, JOHN W. PIXLEY, ROBERT V. BOGART, L. H. WHIT-
TLESEY, SARAH J. SHERMAN, OLIVER HARWOOD, LELAND A. BABCOCK,
HIRAM BUSHNELL, SIMON POWERS, HENRY RICHMANN, RICHARD FAIR-
CHILD, JOHN HOFFMAN, MENOMONEE LOCOMOTIVE MANUFACTURING COM-
PANY, ISRAEL MORRIS, JACOB B. JONES, RICHARD H. DOWNING, JOSEPH
K. WHEELER, ANDREW WHEELER, PHOENIX INSURANCE COMPANY, JAMES
L. HOWARD, CHARLES E. HOWARD, GUSTAVUS F. DAVIS, GEORGE E.
HOWARD, IRA PECK, HENRY A. ANGELL and BENJAMIN F. RUSSELL.**

In Equity.

Mortgage dated July 1, 1856. The Milwaukee & Mississippi Railroad Company to Isaac Seymour (Southern Wisconsin), amount \$350,000.

Complaint filed May 22, 1860.

Decree signed, recorded and enrolled October 5, A. D. 1860. J. M. Miller, Clerk. Amount of decree, \$38,320 (for interest only.)

"All of the railroad of the said Milwaukee & Mississippi Railroad Company, lying in and between the city of Janesville and the east bank of the

Mississippi river in the state of Wisconsin, and formerly known as the southern Wisconsin line or railroad, including the right of way and land occupied by said road between the said points, together with the superstructure and tracks thereon, and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments and necessary depot grounds and buildings thereon, belonging to said Milwaukee & Mississippi Railroad Company, and all rolling stock, engines, tenders, cars, tools, materials, machinery, fixtures and all other personal property appertaining to said line of roads, and now belonging to the said Milwaukee & Mississippi Railroad Company from Janesville to the Mississippi river, and all right thereto, and interest therein, together with the name and functions appertaining to said road from Janesville to the Mississippi river, tolls, rents and income to be had or levied therefrom, and all corporate and other rights, franchises and privileges of said company of, in, to or concerning the same."

Report of sale filed January 21, 1871. Property above described bid off by L. H. Meyer, Allen Campbell, William Schall, John Catlin and Louis A. Von Hoffman on the 18th day of January, 1861, for the sum of three hundred and forty-three thousand nine hundred and thirty-one dollars (\$43,931.00) at Milwaukee.

January 21, 1861. Report of sale confirmed

DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF WISCONSIN.

ISAAC SEYMOUR, Trustee, vs. MILWAUKEE & MISSISSIPPI RAILROAD COMPANY, THOMAS L. OGDEN, THE CITY OF MILWAUKEE, JOHN N. BONE-STEEL, CARL G. STREUBEL, JOHN W. PIXLEY, ROBERT V. BOGERT, SARAH J. SHERMAN, OLIVER HARWOOD, LELAND A. BABCOCK, HIRAM BUSHNELL, SIMON POWERS, HENRY RICHMANN, RICHARD FAIRCHILD, JOHN HOFFMAN, MENOMONEE LOCOMOTIVE MANUFACTURING COMPANY, ISRAEL MORRIS, JACOB P. JONES, RICHARD H. DOWNING, JOSEPH K. WHEELER, ANDREW WHEELER, JAMES L. HOWARD, CHARLES E. HOWARD, GUSTAVUS F. DAVIS, GEORGE E. HOWARD, IRA PECK, HENRY A. ANGELL, AND BENJAMIN F. RUSSELL.

In Equity.

Mortgage dated April 21, 1858. The Milwaukee and Mississippi Railroad Company to Isaac Seymour (2d Section Mortgage), amount, \$650,000.00.

Bill of complaint filed June 9, 1860.

Decree signed October 5, 1860. Amount of decree, \$43,600 for interest only.

All the following property of the Milwaukee & Mississippi Railroad Company, that is to say: so much of their railroad as lies between the Rock river, in the township of Fulton, and the east bank of the Wisconsin river, in the county of Iowa, in the state of Wisconsin, including the right of way and land occupied by said railroad together with the superstructure and tracks thereon, and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments, depot grounds and buildings thereon, engines, tenders, cars, tools, materials, machinery, fixtures and all other personal property appertaining to said portion of road-right thereto, and interest therein, together with the name and functions appertaining to the said portion of road, tolls, rents or income to be had or levied therefrom, and all franchise, rights and privileges of the said Milwaukee and Mississippi Railroad Company, of, in, to or concerning the same.

Also, so much of the road of the said Milwaukee and Mississippi Railroad Company as lies between the city of Milwaukee and the east bank of the Rock river, in the township of Fulton, in the state of Wisconsin, including the right of way and land occupied by said railroad, together with the super-

structure and tracks thereon, and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments, depot grounds and buildings thereon, engines, tenders, cars, tools, materials, machinery, fixtures and all other personal property, with the name and functions appertaining to the said road, tolls rents or income to be had or levied therefrom, and all franchises, rights and privileges of the said Milwaukee and Mississippi Railroad Company, of, in, to or concerning the same.

The last described portion of said road, however, being subject to a mortgage heretofore executed on said portion of said road on the 15th day of June, A. D. 1852, and also subject to a previous mortgage on the first twenty and one-half miles of road from Milwaukee to Waukesha, for the sum of seventy-four thousand dollars.

Also, all the right, title and interest which the Milwaukee and Mississippi Railroad Company had on the 21st day of April, 1853, or have since acquired in and to that portion of the Southern Wisconsin Railroad, lying east of the eastern bank of the Rock river, in the village or township of Janesville, in Rock county, in said state of Wisconsin, being about eight miles of road now run and operated by the Milwaukee and Mississippi Railroad Company, and intersecting their said main line of road in the township of Milton in said state.

Report of sale filed January 21, 1861.

Property above described bid off by L. H. Meyer, Allen Cambell, William Schall, John Catlin and Louis A. Von Hoffman on the 18th day of January, 1861, for the sum of three hundred and ninety thousand dollars (\$390,000.00), at Milwaukee.

January 21, 1861, report of sale confirmed.

DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF WISCONSIN.

ISAAC SEYMOUR, Trustee vs. MILWAUKEE & MISSISSIPPI RAILROAD COMPANY, THOMAS L. OGDEN, THE CITY OF MILWAUKEE, WILLIAM GOODNOW, JOHN N. BONESTEEL, CARL G. STRUEBEL, JOHN W. PIXLEY, ROBERT V. BOGETT, L. H. WHITTLESEY, SARAH J. SHERMAN, OLIVER HARWOOD, LELAND A. BABCOCK, HIRAM BUSHNELL, SIMON BOWERS, HENRY RICHMANN, RICHARD FAIRCHILD, JOHN HOFFMANN, MENOMONEE LOCOMOTIVE MANUFACTURING CO., ISRAEL MORRIS, JACOB P. JONES, RICHARD DOWNING, JOSEPH K. WHEELER, ANDREW WHEELER, JAMES L. HOWARD, CHARLES E. HOWARD, GUSTAVUS F. DAVIS, GEORGE HOWARD, IRA PECK, HENRY A. ANGELL and BENJ'N F. RUSSELL.

In Equity.

Mortgage, made by the Milwaukee and Mississippi R. R. Co., to Isaac Seymour, Trustee, known as second mortgage, dated September 16, 1857, for the sum of \$600,000.

April 18, 1860. Bill of complaint filed October 5, 1860. Decree entered for sale of the mortgaged property. Amount of decree \$649,547.00.

DESCRIPTION OF MORTGAGED PROPERTY.

All of the railroad of the Milwaukee and Mississippi Railroad Company lying in and between the city of Milwaukee on Lake Michigan and the east bank of the Mississippi river at Prairie du Chien, in the state of Wisconsin, including the right of way and land occupied by said railroad, together with the superstructure and tracks thereon, and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments, necessary depot grounds and buildings thereon belonging to the Milwaukee and Mississippi Railroad Company and all rolling stock, engines, tenders, cars, tools, materials,

machinery, fixtures and all other personal property appertaining to said line of road and belonging to said Milwaukee & Mississippi Railroad Company together with the name and functions appertaining to the said road, tolls, rent and income to be had or levied therefrom, and all corporate and other franchises, rights and privileges of the said Milwaukee & Mississippi Railroad Company of, in, to, or concerning the same.

Subject however to two certain mortgages upon so much of said Railroad as extends from the said city of Milwaukee to the Wisconsin River, both executed by the said Milwaukee & Mississippi Railroad Company to Issac Seymour as trustee, and executed one in the month of June 1852, and the other in the month of April 1853; and subject also to a certain other mortgage dated June 1, 1855, embracing the said premises, and commonly called the Sinking Fund mortgage.

January 21, 1861. Marshals report of sale filed. Property above described bid off by L. H. Meyer, Allen Campbell, William Schall, John Catlin and Louis A. Von Hoffman for the sum of \$600,000 on the 18th day of January 1861, at Milwaukee.

Sale confirmed January 21, 1861.

DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF WISCONSIN.

ISSAC SEYMOUR, Trustee, vs. MILWAUKEE AND MISSISSIPPI RAILROAD COMPANY, THOMAS H. OGDEN, THE CITY OF MILWAUKEE, WILLIAM GOODNOW, JOHN N. BONESTEEL, CARL G. STREUBEL, ALEXANDER McDONALD, ALBERT SHERWIN, JOHN W. PIXLEY, ROBERT V. BOGERT, L. H. WHITTLESEY, SARAH J. SHERMAN, OLIVER HARWOOD, LELAND A. BABCOCK, HIRAM BUSHNELL, SIMON BOWERS, HENRY RICHMANN, RICHARD FAIRCHILD, JOHN HOFFMAN, NENOMINEE LOCOMOTIVE MANUFACTURING COMPANY, ISRAEL MORRIS, JACOB P. JONES, RICHARD H. DOWNING, JOSEPH K. WHEELER, ANDREW WHEELER, PHOENIX INSURANCE COMPANY, JAMES L. HOWARD, CHARLES E. HOWARD, GUSTAVUS T. DAVIS, GEORGE E. HOWARD, IRA PECK, HENRY A. ANGELL and BENJAMIN F. RUSSELL.

In Equity.

Mortgage, dated June 1, 1855, for \$1,250,000, known as the "Sinking Fund Mortgage," made by the Milwaukee and Mississippi Railroad Company to Isaac Seymour, Trustee.

Bill of complaint filed March 19, 1860.

October 5, 1860, decree entered for sale of mortgaged property.

Amount of decree (for interest), \$110,040.00.

All of the railroad of the Milwaukee and Mississippi Railroad Company lying in and between the city of Milwaukee, on Lake Michigan, and the east bank of the Mississippi river, at Prairie du Chien, in the state of Wisconsin, including the right of way and land occupied by said road, together with the superstructure and tracks thereon, bridges, viaducts, culverts, fences, equipments, necessary depot grounds and buildings thereon, belonging to said Milwaukee and Mississippi Railroad Company, and all rolling stock, engines, tenders, cars, tools, materials, machinery, fixtures and all other personal property appertaining to said line of road, and now belonging to the said Milwaukee and Mississippi Railroad Company, and all right thereto and interest therein, together with the name and functions appertaining to the said road, tolls, rent or income to be had or levied therefrom, and all corporate and other rights, franchises and privileges of the said company of, into or concerning the same.

Subject, however, to two certain mortgages, on parts of said railroad, made by said Milwaukee and Mississippi Railroad Company, in June, 1852, and

April, 1858, to secure issues of bonds, amounting, in all, to the sum of twelve hundred and fifty thousand dollars.

January 21, 1861, marshal's report of sale filed.

Property above described bid off by L. H. Meyer, Allen Campbell, William Schall, John Catlin and Louis A. M. Hoffman, for the sum of \$622,200.00 on the 18th of January, 1861, at Milwaukee.

Sale confirmed January 21, 1861.

CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF WISCONSIN.

ROBERT H. LOWRY VS. THE MILWAUKEE AND HORICON RAILROAD COMPANY, JOSEPH VLEIT, EDWIN TOWNSEND, JOHN G. TOWNSEND, WALTER L. BEAN, JOHN CATLIN, C. D. NASH, TRUSTEE, JOHN B. SMITH, GARRET VLEIT, DANIEL H. RICHARDS, THE CITY OF MILWAUKEE, NORMAN J. EMMONS AND JOHN H. VAN DYKE, WASHINGTON HUNT, ALEXANDER DUNCAN, DAVID DUNCAN, WILLIAM BUTLER DUNCAN, WATTS SHERMAN, E. BUCKHARDT, THE FIRM OF ESCHER & CO., D. B. ST. JOHN, HERMAN TROOP & CO., AND GEORGE BANCROFT.

In Equity.

Mortgage dated April 1, 1856. The Milwaukee & Horicon Railroad Company, to Robert H. Lowry, amount, \$420,000.

Bill of complaint filed July 18, 1860.

Decree signed February 12, 1863, amount of decree, \$164,800; due for interest, \$413,000, to become due.

All the following real and personal property and estate of the Milwaukee & Horicon Railroad Company, that is to say, all of that part of their said road from the junction thereof with the La Crosse & Milwaukee Railroad, in or near the village of Horicon, in the county of Dodge, and state of Wisconsin, to a point in or near the village of Berlin, in the county of Marquette, state of Wisconsin, which shall be following the line of said railroad forty-two miles from said junction, including the right of way and land occupied by said road, together with the superstructure and tracks thereon, and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments, necessary depot grounds and buildings thereon, belonging to the Milwaukee & Horicon Railroad Company, and all rolling stock, engines, tenders, cars, tools, materials, machinery, fixtures, and all other personal property appertaining to said line of road, and now belonging or hereafter to be acquired by it, and all rights thereto and interest therein, and also all future right thereto and interest therein to be acquired by it, together with the name and functions appertaining to said road, tolls, rents and income to be held or levied therefrom, and all corporate or other franchises, rights and privileges of the said Milwaukee & Horicon Railroad Company, of, in, or to or concerning the same.

Report filed June 13, 1863.

Property above described bid off by Washington Hunt and Russell Sage, on the 12th day of June, A. D. 1863, for the sum of six hundred and seventy thousand dollars (\$670,000), at Milwaukee.

June 13, 1863. Report of sale confirmed.

**CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT
OF WISCONSIN.**

**THE FARMERS' LOAN AND TRUST COMPANY VS. MILWAUKEE AND BELOIT
RAILROAD COMPANY, LEVI HUBBELL, CHARLES SCHLEY, JAMES L. GLEN,
DIEDRICH KOETING, ANNA MARIA DICKING, MARIA ELIZABETH DICK-
ING, JOHN SCHAEFFER, HENRY MILMAN, JOHN B. DYKSMEYER, HIRAM
MABBETT, SAMUEL S. CONOVER, JACOB BEESON, C. L. MARTIN, ALONZO
PELTON, CAROLINE B. WATKINS, WILLIAM P. LYNDE, CYRENIUS W. GREEN,
DANIEL H. OSTRAM, V. ARNOLD, SAMUEL STEWART, SAMUEL B. DELAND,
LEONARD MARTIN, F. L. SWISHMILCH, CATHERINE DICKING AND CITY
OF MILWAUKEE.**

In Equity.

Mortgage dated May 8, 1857. Milwaukee and Beloit Railroad Company to Farmers' Loan and Trust Company. Amount \$680,000.

Bill of Complaint filed December 15, 1860.

Decree dated January 12, 1863. Amount of Decree, for interest, \$277,200.

All the railroad of the Milwaukee and Beloit Railroad Company from its termination in the city of Milwaukee to the village of Delavan, in the county of Walworth, being forty-nine miles in distance, being constructed and to be constructed, together with all the right of way, depot grounds, railways, rails, bridges, superstructures, fences, stations, station houses and other buildings, and all the lands and hereditaments connected with the said railway or relating thereto, whether obtained under the rights and privileges of the charter of the said Milwaukee and Beloit Railroad Company or conveyed to the said company by deed, and also all the tolls, incomes, rents, issues and profits and corporate or other franchises of the said Milwaukee and Beloit Railroad Company, with their said line of railway or relating thereto, and also all the locomotive engines, tenders, cars of every kind, machinery, machine shops, tools and implements, wood and property connected with the proper equipment, working, operating and constructing of the said road.

Report of sale filed April 29, 1863.

The above described property was bid off by Duncan McDonald for the sum of twenty thousand dollars (\$20,000), on the 28th day of April, A. D. 1863, at Milwaukee.

April 29, 1863, report of sale confirmed.

**DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF WISCONSIN.**

**THE FARMERS' LOAN AND TRUST COMPANY VS. THE MILWAUKEE AND SU-
PERIOR RAILROAD COMPANY, CITY OF MILWAUKEE, JOHN STEWART, JO-
HANN C. A. ALLERDING, CHRISTIAN HAHN AND GODFRIED WOOTSCH.**

In Equity.

Mortgage or trust deed dated January 1, 1857. The Milwaukee and Superior Railroad Company to The Farmers' Loan and Trust Company.
Amount, \$1,200,000.

Bill of complaint filed December 13, 1858.

Decree signed March 19, 1869, ordering sale of the mortgaged property.

All the following, present and in future to be acquired, real and personal property and estate of the said defendant, the Milwaukee and Superior Railroad Company, that is to say: all of the first division of the railroad compa-

ny, defendant, from the city of Milwaukee to the city of Green Bay, in said state of Wisconsin, a distance of one hundred and twenty miles, including the right of way and land occupied by said first division of said road (subject to the rights and claims of the defendants Stewart, Hahn, Allerding and Wootsch, hereinafter mentioned and set forth), together with the superstructure and track thereon, and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments, necessary depot grounds and buildings thereon belonging to the said railroad company, and all rolling stock, engines, tenders, cars, tools, materials, machinery, fixtures and all other personal property appertaining to said first division of said road, and all rights thereto and interests to be acquired by said defendant, the Milwaukee & Superior Railroad Company, together with the name and functions appertaining to the said first division of said road, all tolls, rents and income to be had or levied therefrom, and all corporate and other franchises, rights and privileges of the said railroad company in and to or concerning the same.

And it is further ordered, adjudged and decreed that the defendants, and all persons claiming or to claim from or under them, and all persons having a lien subsequent to such mortgage, by judgment or decree upon the premises and property contained in said mortgage or trust deed, and his or their heirs, assigns and personal representatives, and all persons having any lien or claim by or under such subsequent judgment or decree, and their heirs and personal representatives, and all persons claiming under them, be forever barred and foreclosed, of and from all equity of redemption, and claim of in and to said mortgaged premises and every part and parcel thereof—save and except that this decree, and said sale under this decree shall not in any manner affect or impair the right or title which the said defendants Stewart, Allerding, Hahn and Wootsch, or either of them, may now have to land, upon which said railroad company has located its way, and for which no compensation has been made to them.

Report of sale filed October 10, 1859.

The above described property was bid off by James B. Cross, for the sum of twenty thousand one hundred dollars (\$20,100), on the 27th day of August, 1859, at Milwaukee.

Confirmation October 10, 1850. Report of sale confirmed.

DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF WISCONSIN.

THE FARMERS' LOAN AND TRUST COMPANY vs. THE RACINE & MISSISSIPPI RAILROAD COMPANY, THE CITY BANK OF RACINE, JOHN G. CONBOE, SAMUEL HOOD, JOSEPH B. COLBY, STEPHEN HOUGHTON, HENRY S. DURAND, WILLIAM C. ALLEN, LUCIUS G. FISHER, WILLIAM T. GOODHUE, ALEXANDER MCCLURG, SIMEON D. CLOUGH, ELISHA RAYMOND, JOHN M. KEEP, MARSHALL M. STRONG, HIRAM A. STONE, ORVILLUS GILBERT, GEORGE A. BISSELL, REUBEN M. NORTON, GEORGE C. NORTHROP, JACOB W. MOORE, ISRAEL M. HILL, EBENEZER DATON, and ANN G. COOK, ELIZABETH COOK, ALEXANDER COOK and ROSE COOK.

In Equity.

Date of mortgage, September 1, 1855. Racine & Mississippi Railroad Company to Farmers' Loan and Trust Company. Amount, \$680,000.

Bill of complaint filed December 8, 1858.

Decree signed May 17, A. D. 1859, as follows, in part:

This day came the parties by their counsel, and it having been stipulated and agreed by and between the complainant and the Racine & Mississippi Railroad Company, defendant, by stipulation filed herein, and by agreement, a copy of which is filed herein, that a decree of strict foreclosure shall be

entered in favor of said complainant, and against said railroad company, of all the mortgaged property mentioned in this bill, and embraced in said mortgage therein mentioned. And that an order or decree shall be entered, directing immediate possession of said mortgaged property, and every part and parcel thereof to be delivered to said plaintiff or its authorized agent; and it being in said stipulation agreed that there is past due on the bonds and mortgage in said bill of complaint mentioned the sum of eighty-one thousand six hundred dollars, being three semi-annual installments of interest due on said bonds, and that there is to become due, of principal, the sum of six hundred and eighty thousand dollars, and eight per cent. per annum interest thereon, from the first day of February, eighteen hundred and fifty-nine. And it being further stipulated and agreed that said railroad company may redeem said mortgaged property from such decree of strict foreclosure at any time within five years from the completion of said road to Freeport, as in said agreement specified.

"All the railroad of said Racine & Mississippi Railroad Company, and its superstructure, track and all other appurtenances, made or to be made, in the state of Wisconsin, from its eastern terminus in the city of Racine, to its western terminus in the town of Beloit; and all the right and title of the said Racine & Mississippi Railroad Company to the land on which said railroad is and may be constructed, together with all rights of way now acquired and obtained, or hereafter to be acquired or obtained, by the said railroad company, including the depots, engine houses, shops and all other constructions at the city of Racine, and at said town of Beloit, and at all other places along the line of said railroad, and the lots, pieces or parcels of land on which the same are or may be erected, and all the pieces of land which shall be used for depot or station purposes, with the appurtenances; and all the embankments, bridges, viaducts, culverts, fences and structures thereon, and all other appurtenances belonging thereto; and all the franchises, privileges and rights of the said railroad company, of, in, to or concerning the same; and also, all and singular the railroad furniture, including engines, tenders, cars of every description, tools, machinery and every other kind of personal property which shall be used for operating said railroad."

**CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN
DISTRICT OF WISCONSIN.**

**FREDRIC P. JAMES, Assignee of NEWCOMB CLEVELAND, vs. THE MILWAU-
KEE AND MINNESOTA RAILROAD COMPANY.**

April 18, 1866. Bill of complaint filed.

Newcomb Cleveland recovered a judgment against the La Crosse and Milwaukee Railroad Company, October 7, 1857, in the United States Circuit Court for \$111,727.71 damages, and \$544.15 costs, and this judgment having been assigned to Fredric P. James, he brought this suit to have the eastern division of the La Crosse and Milwaukee Railroad sold under said judgment, it being the first lien.

January 11, 1867, a decree of sale was entered—the sum of \$98,801.51 being found due on said judgment.

March 2, 1867, the marshal sold the following described premises under said decree, to wit:

All and singular the railroad formerly known as the La Crosse and Milwaukee Railroad from Milwaukee to Portage City, its depots, station houses and buildings, together with all its rolling stock, franchises and appurtenances now in the possession of or claimed by the defendant, the Milwaukee and Minnesota Railroad Company, including all the locomotive engines, cars, rolling stock and all the materials, tools, implements and utensils and other property belonging to said road from Milwaukee to Portage City, subject

however, to the following liens and incumbrances thereon, to-wit: A mortgage to Francis A. Palmer for \$950,000 with interest thereon at 8 per cent. per annum since May 1, 1866; two mortgages to the city of Milwaukee for \$814,000 with interest thereon from the 1st day of September, 1866; a mortgage to Greene C. Bronson and James T. Soutter for \$1,000,000, with interest at 8 per cent. per annum from March 1, 1866, and judgment rendered in favor of Selah Chamberlain, in the district court of the United States for the district of Wisconsin, on the 2d day of October, 1857, for \$629,105.22, and a certain lease given to said Chamberlain as security for the amount of said judgment.

The Milwaukee and St. Paul Railway Company was the purchaser of said premises for the sum of \$100,920.94, at Milwaukee.

March 5, 1867, sale confirmed by the court.

The Milwaukee and Minnesota Railroad Company took an appeal to the Supreme Court of the United States, which court afterward affirmed the decree.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
DISTRICT OF WISCONSIN.

GREENE C. BRONSON, JAMES T. SOUTTER AND SHEPARD KNAPP, trustees, complainant vs. LA CROSSE AND MILWAUKEE RAILROAD COMPANY, J. ALBERT HELFENSTEIN, trustee, SELAH CHAMBERLAIN, NEWCOMB CLEVELAND, EDWIN TOWNSEND, FRANKLIN J. BLAIR, EDMUND R. PERSONS, LEMAN GRAHAM, DANIEL D. SCOTT, AVERY HILL, A. V. RUDD, E. BRADFORD GREENLEAF, JOHN H. TESCH, DEWITT C. FREEMAN, EPHRAIM MARINER, THOMAS TURTON, JOHN SERCOMB, SEBASTIAN KNETGAR, FREDERICK LIND, EDWARD H. BRODHEAD, JOSHUA HATHAWAY, WILLIAM GEMMELL, CHAR. QUINTIN, AUGUST SAUTHOFF, SEBRE HOWARD, LAWRENCE G. GRAHAM, DONALD G. SCOTT, THE MILWAUKEE AND MINNESOTA RAILROAD COMPANY, MOSES M. DAVIS, JAMES WOLSTENHOLME, GUY TRACY, HORACE GALPIN, EDWARD LIVERMORE, WILLIAM CRAWSHAY, HENRY G. GILBERT, JOHN HARDY, GEORGE W. BERRIAN, GEORGE STROBEL, G. R. VAN ALLYN, JAMES G. FULTON, MOSES A. HOPCOCK, SERENO GAYLORD, C. LEWIS ZIMMERMANN, DANIEL GOODWIN, STEPHEN A. DODGE, CHARLES F. DEITZ, WILLIAM WOOD, BENJAMIN F. DAWSON, JAMES W. WOOD, JOHN WELLS, RUNCIE MARTIN, R. J. BARTON, D. M. CORBETT, D. FARNSWORTH, HARNEY TERRY, JAMES J. DAY, W. CATLIN, BRUCE & YOUNG, JOHN M. TAFT, JONATHAN P. HOPPER, D. S. KINGORE, NOAH STURDEVANT, WILLIAM FESSENDEN, JOHN L. SOUTHLAND, E. HASKETT DERBY, FREDERICK LEVICK, CHARLES SHEPHARD, G. P. WILLIAMS, ORVILLE ODDIE, JOHN PEMBERTON, NILES HIGGENBOTHAM, GEORGE ASHLEY, WILLIAM GOULD, NATHAN MARBLE, JACOB VAN VECHTEN, JOHN J. VANDERBILT, T. F. BERGEN, G. S. BOARDMAN AND JOHN NICHOLSON, defendants.

Deed of trust or mortgage dated 31st day of December, A. D. 1856. La Crosse and Milwaukee Railroad Company to Greene C. Bronson, James T. Soutter and Shepherd Knapp. Amount \$10,000,000. (Land Grant.)

Bill of complaint filed December 5, 1859.

Decree signed January 23, 1862. Amount of decree, \$896,600.84, for interest. Amount of principal of bonds, \$2,794,000.

All and singular the several tracts, pieces or parcels of land which now are or may hereafter be or constitute the site of the roadway, turnouts, engine houses, workshops, depots and other buildings, and all the other lands and real estate which now constitute, or may hereafter constitute or be a part of the roads of said railroad company from Madison by way of Portage City, to the St. Croix river or lake, between townships twenty-five and thirty-one, and from Portage City to La Crosse; and also all and singular the superstructure of said road, whether now made or to be made hereafter, and

all the engine houses, workshops, depots and other buildings, and all the other improvements on or pertaining to said roads, whether now built and made or to be built and made hereafter; and also all and singular the locomotive engines and other rolling stock and all the other equipments of every kind and description, which have already been, or may hereafter be, procured for or used on said roads, or either of them, and all the materials, tools, implements, utensils and other personal property, which have been or may hereafter be procured for or used in connection with said roads, or either of them; and also all and singular the rights, liberties, privileges and franchises of said railroad company, of every kind and description relating to said road.

Also, "all and singular the lands granted or intended to be granted to said railroad company, under or by virtue of the act of congress and the act of the legislature of Wisconsin hereinbefore mentioned, so far as the said lands pertain or are applicable to the construction of said roads from Madison by way of Portage City, to the St. Croix river or lake, estimated to be about one million of acres of land, together with all and singular the hereditaments and appurtenances belonging or in anywise appertaining to the lands and real estate hereby conveyed or intended to be conveyed. And it is hereby declared to be the intention of the parties to these presents to convey to and vest in said parties of the second part, all the property, real and personal, of said railroad company, to be acquired thereafter, as well as that which has already been acquired, together with all the rights, liberties, privileges and franchises of said railroad company, in respect to the roads above mentioned, as fully and amply as the same might be conveyed if the said railroads had already been fully constructed and equipped, and the particular lands granted by the foregoing act of congress and the legislature, so far as the same are applicable to the construction of said road from Madison to St. Croix river or lake, had already been designated and conveyed to said railroad company."

With forty box cars numbred 330, 322, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406 and 408, and such proportion of shares of rolling stock purchased and procured by the receiver, costing one hundred and forty-seven thousand nine hundred and forty-two dollars and sixty-three cents, as the net revenues of the portion of road covered by this mortgage bears to the balance or other end of the road, since the appointment of the receiver. The remaining rolling stock is subject to prior mortgages.

Report of sale filed April 27, 1863.

The section marked "lands sold first," was bid off by William Wallace Pratt and William H. White, for the sum of \$125,000. The balance of the property above described was bid off by William Wallace Pratt and William H. White, for the sum of two million six hundred and seventy-five thousand dollars (\$2,675,000), on the 25th day of April, A. D. 1863.

May 5, 1863. Report of sale confirmed.

DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF WISCONSIN.

GREENE C. BRONSON AND JAMES T. SOUTTER, TRUSTEES vs. THE LA
CROSSE AND MILWAUKEE RAILROAD COMPANY, THE MILWAUKEE AND
MINNESOTA RAILROAD COMPANY, SELAH CHAMBERLAIN, SEBRE HOW-
LAND, WILLIAM GUNNELL, JOSHUA HATHAWAY, JAMES WOLSTENHOLME,
EDWIN C. LICHFIELD, EBENEZER HIGGINS, GEORGE R. MOWRY, HENRY
K. EASTMAN, HENRY L. SIMONDS, DE WITT C. FREEMAN, E. BRADFORD
GREENLEAF, FREDERICK LIND, SEBASTIAN KUETZGER, LAWRENCE G.
GRAHAM, DONALD D. SCOTT, THOMAS TURTON, JOHN SERCOMB, EPHRAIM
MARINER, AVERY HILL, A. V. RUDD, FRANKLIN J. BLAIR, EDMUND R.

PERSONS, PHILIP S JUSTICE, ELKANAH COBB, JOHN V. BEAN, PHILIP WILSON, J. HOWARD MITCHELL, EDWIN TOWNSEND, THE MERCANTILE BANK OF HARTFORD, CONN., AUGUST SAUTHOFF, CHARLES QUENTIN, JOHN H. TESCH, BYRON KILBOURN, NATHANIEL S. BOUTON, THE JUNEAU BANK, THE MILWAUKEE, WATERTOWN AND BARABOO VALLEY RAILROAD COMPANY, CICERO COMSTOCK, GEORGE W. CHAPMAN, MOSES M. DAVIS, CHARLES HOWARD AND HENRY VALETTE.

In Equity.

Deed of trust or mortgage, dated August 17, 1857, La Crosse and Milwaukee Railroad Company to Greene C. Bronson and James T. Soutter. (2d Mortgage E. Div.)

Amount, \$1,000,000.

Bill of complaint filed December 9, 1859.

Decree signed January 13, 1862.

Amount of decree, \$65,260 for interest, and \$500,000 for bonds; 50 per cent.

All and singular the railroad of said company, commencing in the city of Milwaukee, and running thence to Portage City, a distance of ninety-five miles, which road has been constructed and is now in full operation; and also the railroad of said railroad company (as well as that part which has been constructed as that which remains to be constructed), from Watertown by the way of Columbus to Midland (where it connects with the main line of the railroad of said company), a distance of forty miles, one-half of which last mentioned road, being the part between Watertown and Columbus, has been constructed and is now in full operation, including all and singular the several tracts, pieces or parcels of land which now are, or may hereafter be or constitute the site of the roadways, turn-outs, engine houses, workshops, depots and other buildings, and all the other land and real estate which now constitute, or may hereafter constitute, or be a part of or appertain to said railroads, or either of them. And also all and singular the superstructure of said railroads, whether now made or to be made hereafter, and all the engine houses, workshops, depots and other buildings, and all the other improvements on or appertaining to said railroads or either of them, whether now built or made, or to be built and made hereafter. And also all and singular the locomotive engines and other rolling stock, and all the other equipments of every kind and description, which have already been or may hereafter be procured for or used on said railroads or either of them; and all the materials, tools, implements and utensils, and other personal property which have been or may hereafter be procured for or used in connection with said railroads or either of them. And also all and singular the rights, liberties, privileges and franchises of said railroad company, so far as they relate to said railroads, from Milwaukee to Portage City, and from Watertown by way of Columbus, to Midland aforesaid. And it is hereby declared to be the intention of the parties to these presents to convey to and vest in said parties of the second part, all the property, real and personal, of said railroad company to be acquired hereafter as well as that which has already been acquired, together with all the rights, liberties, privileges and franchises of said railroad company in respect to said railroads from Milwaukee to Portage City and from Watertown by the way of Columbus to Midland, as fully and amply as the same might be conveyed if said railroads had already been fully constructed and equipped. Said railroad from Milwaukee to Portage City, is subject to a first mortgage on the same of ten thousand dollars per mile, amounting in the aggregate to nine hundred and fifty thousand dollars; the first eighteen miles of said road from Milwaukee westward, is subject to a second mortgage of one hundred and fourteen thousand dollars; and the next forty miles of said road westward of the eighteen miles is subject to a second mortgage of two hundred thousand dollars.

On the 23d of February, 1864, the supreme court of the United States decided that the bonds were valid for the full amount of one million dollars.

June 12, 1863. Order putting the Milwaukee and St. Paul Railway Company into possession.

March 5, 1867. New decree or order of sale of mortgaged premises.

There was never a sale of the mortgaged premises in this case.

RECORDS OF RAILWAY COMPANIES.

ARTICLES OF ASSOCIATION.

ORGANIZATION OF CHICAGO AND NORTHWESTERN R. R. CO

This certificate attests that:

WHEREAS, the railroad of the Chicago, St. Paul and Fond du Lac Railroad Company, was sold by virtue of two several mortgages or deeds of trust, by advertisements in pursuance of powers or authorities in such mortgage or deeds of trust contained; which said sales were made at Janesville, in the state of Wisconsin, on Thursday, the 2d day of June, 1859; and

WHEREAS, At such sales the undersigned became the purchasers of said railroad, and of the appurtenances and the property and franchises of the said company, and acquired title thereto by a conveyance executed and delivered to them by James Winslow, trustee, under one of the said mortgages or deeds of trust, commonly known as the first mortgage of said company, and by a conveyance executed and delivered to them by William A. Booth and James H. D. Lanier, trustee under the other mortgage or deed of trust commonly known as the land grant mortgage of the said company; and

WHEREAS, The said purchasers desire to form a corporation under and by virtue of the laws of the state of Wisconsin, as well as of the laws of the states of Illinois and Michigan.

Now, therefore, in conformity to the provisions of an act to facilitate and authenticate the formation of a corporation by the purchase of the Chicago, St. Paul and Fond du Lac Railroad Company, approved March 14, 1859, and the laws of the said state of Wisconsin, and to an act of the state of Illinois, entitled an act to authorize the sale of the Chicago, St. Paul and Fond du Lac Railroad, and to enable the purchasers thereof to form a corporation, approved February 19, 1859, and to the laws of the said state of Illinois, We James I. Gilden and Ossian D. Ashley, purchasers as aforesaid, do hereby certify and declare:

1st. The corporate name of the said corporation shall be Chicago and Northwestern Railway Company.

2d. The number of the directors shall be thirteen, until the number thereof shall be otherwise fixed by a by-law adopted at a meeting of stockholders duly held, and thereafter the number shall be as the by-laws of the said company, for the time being, shall prescribe.

3d. The directors of the said company for the first year will be William B. Ogden, Perry H. Smith, E. W. Hutchings, George M. Bartholomew, Charles Butler, Thomas H. Perkins, Mahlon D. Ogden, Alexander C. Coventry, Henry Smith, James R. Young, John J. R. Pease, M. C. Darling, and Albert Winslow, who are hereby declared to be elected and appointed as such directors.

In witness whereof, we, the said purchasers, have hereunto set our hands and seal, this sixth day of June, 1859.

Signed, sealed and delivered in presence of

W. T. PELTON,
SAMUEL I. TILDEN,
HENRY E. HAYDEN,
O. D. ASHLEY.

REORGANIZATION OF MINERAL POINT RAILROAD COMPANY.

WHEREAS, The Mineral Point Railroad Company, a corporation duly created by an act of the legislature of the state of Wisconsin, approved on the seventeenth day of April, in the year one thousand eight hundred and fifty-two, did, on or about the first day of January, in the year one thousand eight hundred and fifty-six, execute and deliver a certain indenture of mortgage, dated the day last mentioned, to Lucian D. Coman and David R. Martin, and did, also, on or about the sixth day of June, in the year one thousand eight hundred and fifty-seven, execute and deliver to the said Lucian D. Coman and David R. Martin, a certain other indenture of mortgage, dated the day last mentioned, by way, among other things, of further assurance, by which said indentures of mortgage the said company conveyed to said Lucian D. Coman and David R. Martin, in trust to secure the payment of certain bonds in said indenture of mortgage mentioned, all of the railroad of the said company, extending from the village of Mineral Point, Wisconsin, to the village of Warren, in the state of Illinois, being thirty-two and two-third miles of road constructed, together with all and singular the railways, lands procured or occupied for right of way, together with the bridges, fences and real estate owned by said company for the purpose of said road, or which thereafter might be acquired or owned by them, and all the tolls, income, issues and profits to be had from the same, and all lands used for and occupied by depots or stations with all buildings standing thereon or which might be procured therefor, together with all locomotives, engines, tenders, passenger cars and freight cars, shops, tools and machinery then owned or thereafter to be acquired by said company, and in any way belonging or appertaining to said railroad then contracted and to be contracted, including all its property, real and personal, pertaining to said railroad, and all its rights, credits and franchises thereunto appertaining, and all and singular the corporate property, tools, issues, profits, rights, credits and franchises; also the locomotives, passenger cars, as follows: three locomotives named the "John C. Fremont," "The Mineral Point," and "The Warren;" also three passenger cars and forty freight cars, used upon said railroad, and particularly all the property acquired by said company subsequently to the first day of January in the year one thousand eight hundred and fifty-six; and,

WHEREAS, Default having been made by the said company in the payment of the interest due on the said bonds, the said David R. Martin and Lucian D. Coman, who resided in the state of New York, did, as parties complainant, on the ninth day of April, in the year one thousand eight hundred and fifty-nine, file their bill of complaint in the district court of the United States for the district of Wisconsin, against the said company, Samuel D. Hastings, treasurer of the state of Wisconsin, John M. Keep, George L. Schuyler and Thomas McFarland, setting forth, among other things, the execution and delivery of the indenture of mortgage aforesaid and the default last aforesaid, and praying among other things that the property mortgaged as aforesaid might be sold, and that out of the moneys arising from such sale the said complainants might be paid the sum of money due them on the bonds aforesaid in trust, etc.; and that the said defendants, and all persons claiming under them, or any or either of them, might be barred and foreclosed from all equity of redemption of, in or to the property mortgaged as aforesaid, and also praying for process of subpoena against said defendant: and,

WHEREAS, Jurisdiction having been duly acquired by said court over said defendants by the issuing and service of process of subpoena and otherwise, such proceedings were in the said suit or action thereafter had. That afterwards and on the sixteenth of February, in the year one thousand eight hundred and sixty-one, a final decree was made therein, ordering and decreeing, among other things, the foreclosure prayed for as aforesaid, and the sale of all the property mortgaged as aforesaid; to which decree reference is here made for the fuller particulars; and,

WHEREAS, The said railroad of the said company, and all the property mortgaged as aforesaid, was on the sixth day of November, in the year one thousand eight hundred and sixty-one, in pursuance of such decree, sold

at the city of Milwaukee by the marshal of the United States for said district, and James C. Carter, one of the undersigned, became the purchaser thereof at such sale, and such sale having afterwards been duly confirmed by the court aforesaid, the marshal did, on the 12th day of November, in the year last aforesaid, in pursuance of the power and authority in him vested by the decree aforesaid, execute and deliver under his hand and seal unto said James C. Carter, a certain deed dated the day last aforesaid, whereby he conveyed unto the said James C. Carter, all the said railroad and all the property mortgaged as aforesaid as hereinbefore described; and,

WHEREAS, The said James C. Carter, did by his deed or instrument of assignment duly execute and delivered, bearing date the 12th day of November, in the year last aforesaid, convey and assign unto the undersigned Samuel T. Holmes, Asahel Finch, Luther Beecher, Henry Koop and George W. Cobb, to each severally, one undivided five thousandth part of the property so conveyed to him by said marshal, and described in the said deed received by him from the marshal as aforesaid.

Now, therefore, the said James C. Carter, the said purchaser, and the said Samuel I. Holmes, Asahel Finch, Luther Bucher, George W. Cobb and Henry Koop, his associates and assigns, for the purpose of organizing the said Mineral Point Railroad Company anew, under and in pursuance of the provisions of section 33 (thirty-three), of chapter 79 (seventy-nine), of the Revised Statutes of Wisconsin, for such cases made and provided, and of the charter of said company, do hereby associate themselves together under the name of "The Mineral Point Railroad," and do agree to and adopt the following articles of association:

Article First. The name of the re-organization hereby made shall be "The Mineral Point Railroad," and its principal office be in the town of Mineral Point, Wisconsin, until elsewhere fixed by the board of directors.

Article Second. The affairs of the corporation shall be managed by a board consisting of five directors, who shall be chosen annually by ballot, at the time hereinafter prescribed by the stockholders. The directors so chosen shall hold their offices for one year, or until other directors are chosen to succeed them; but, until the first Monday of July next following the execution of these articles, Luther Beecher, Asahel Finch, Samuel I. Holmes, George W. Cobb and James C. Carter shall serve as directors. None but stockholders shall be elected directors, and at every election where stockholders are called upon to vote, each share of stock shall be entitled to one vote; and, in cases of the election of directors, the five candidates having the greatest number of votes shall be declared duly elected.

Article Third. The said directors shall appoint one of their own number to be president, and may also appoint a secretary, treasurer, superintendent, and such other officers and servants as they may find to be necessary. They shall meet at such times and places, and be convened in such manner as they may hereafter decide upon; but there shall be, at the city of Milwaukee, a meeting of the board for the purpose of the election of president and secretary, and the transaction of other necessary business, immediately upon the execution of these articles.

Article Fourth. The capital stock of said corporation shall be five hundred thousand dollars in shares of one hundred dollars each, and upon the conveyance to the said corporation, by the persons hereinafter named, of the property formerly belonging to the Mineral Point Railroad Company, and purchased by the said James C. Carter at the foreclosure sale hereinbefore mentioned, which conveyance is to take place as soon as may be after the execution of these articles. The directors shall issue a certificate to the said James C. Carter for four thousand nine hundred and ninety-five shares of stock, and a certificate to each of the other persons hereinbefore named for one share of stock; such certificate to be in the form heretofore used by the Mineral Point Railroad Company, and signed by the president and countersigned by the secretary, and sealed with the corporate seal.

Article Fifth. There shall be an annual meeting of the stockholders for the purpose of electing directors, on the first Monday of July in each year, at the office of the company in Mineral Point, or at such other place as shall be appointed by a resolution of the board of directors, of which meeting at least thirty days notice shall be given by publishing the same weekly in a

newspaper printed and published in the county of Iowa. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors or by stockholders holding one-fourth of the capital stock, on giving the like notice, specifying, moreover, the object of such meeting; but no business shall be transacted at such special meetings or at any stockholders meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Article Sixth. The directors shall have power to fill any vacancy which may occur in their board, and shall have power to declare the place of any director vacant who shall fail to attend three successive meetings of the board.

Article Seventh. The capital stock of the said corporation may be increased at any time and from time to time by a vote of a majority in value of all the stockholders, to any amount not exceeding the amount allowed by the act incorporating the company aforesaid, and the acts amendatory thereof, in shares of one hundred dollars each.

Article Eighth. The said corporation hereby avails itself of, reserves to itself and assumes all the powers, privileges and franchises contained in the act incorporating the Mineral Point Railroad Company, and the several acts amendatory thereof, except so far as the same are inconsistent with or repugnant to the provisions or some one of the provisions hereinbefore in these articles contained, or inapplicable to the reorganization designed to be effected by these articles, and with like exceptions the by-laws of the Mineral Point Railroad Company heretofore adopted and in force at the time of the sale aforesaid, shall continue to be in force as by-laws until others shall be framed.

Article Ninth. These articles are executed in duplicate and one shall be filed in the office of the secretary of state of the state of Wisconsin, and the other be deposited in the office of said corporation.

Article Tenth. The organization of the said Mineral Point Railroad is hereby declared to be completed.

In witness whereof the said James C. Carter and Asahel Finch, Samuel T. Holmes, Henry Koop, George W. Cobb and Luther Beecher, his associates and assigns have hereunto subscribed their names and affixed their seals at the city of Milwaukee, Wisconsin, this 12th day of November, in the year one thousand eight hundred and sixty-one.

JAMES C. CARTER,	[SEAL.]
ASAHEL FINCH,	[SEAL.]
SAMUEL T. HOLMES,	[SEAL.]
HENRY KOOP,	[SEAL.]
GEO. W. COBB,	[SEAL.]
LUTHER BEECHER,	[SEAL.]

In presence of

MAT H. CARPENTER,
WILLIAM J. E. FORSTER.

Filed and recorded at 10 o'clock A. M., November 18, 1861.

DARIUS C. JACKSON, United States Marshal, to JAMES C. CARTER.

DEED.

To all whom these presents shall come, I, Darius C. Jackson, Marshal of the United States in and for the district of Wisconsin, sendeth greeting.

WHEREAS, At a term of the district court for the United States of America, for the district of Wisconsin, held at Milwaukee, in and for said district, it was, among other things, ordered, adjudged and decreed by the said court in a certain cause then depending in the said court between David R. Martin and Lucian D. Coman, complainants, and the Mineral Point Railroad Company,

Samuel D. Hastings Treasurer of the state of Wisconsin, John M. Keep, George L. Schuyler and Thomas McFarland, defendants, that the mortgaged premises mentioned and set forth in the pleadings in the said cause, be sold by or under the directions of the marshal of the district of Wisconsin, at public auction, at the postoffice, in the city of Milwaukee, in said district, the then marshal, Jehu H. Lewis, first giving three months' notice of the time and place of sale according to the course and practice of this court, and whereas, the said Darius C. Jackson, Marshal, in pursuance of said order and decree of the district court of the United States, in equity, did, on the sixth day of November, A. D. 1861, sell at public auction, at the postoffice in the city of Milwaukee, in said district, the said mortgaged premises hereinafter particularly described, having first given previous notice thereof as required by the said order and decree, at which sale the said premises were struck off to James C. Carter for the sum of seventy-five thousand dollars, he being the highest and best bidder, and that being the highest sum bid for the same.

Now know ye, that Darius C. Jackson, Marshal of the United States, in and for the District of Wisconsin aforesaid, and the party of the first part to those presents, in order to carry into effect the said sale made as aforesaid, in pursuance of the said decree, and also by virtue of the statute in such cases made and provided, and in consideration of the premises and of the sum of seventy-five thousand dollars, paid by James C. Carter, the said party of the second part to these presents, to the said Darius C. Jackson, marshal as aforesaid, hath granted, bargained, sold, aliened, released and confirmed, and by these presents doth grant, bargain and sell, alien, release and confirm unto the party of the second part, and to his heirs and assigns forever, all of the said Mineral Point Railroad, as follows:

All of their said road from the village of Mineral Point, Wisconsin, to the village of Warren, in the state of Illinois, being thirty-two and two-third miles of road, constructed and to be constructed, together with all and singular the railway lands procured or occupied for right of way, together with bridges, fences, privileges and real estate, owned by said company for the purpose of said road, or which may hereafter be acquired or owned by them, and all the tolls, income, issues and profits to be had from the same, and all lands used for and occupied by depot or stations, with all buildings standing thereon, or which shall be procured therefor, together with all locomotives, engines, tenders, passenger cars and freight cars, shops, tools and machinery now owned or hereafter to be acquired by said company, and in any way belonging or appertaining to said railroad now constructed and to be constructed, including all its property, real and personal, pertaining to said railroad, and all its rights, credits and franchises thereunto appertaining, all and singular the corporate property, tools, issues, profits, rights, credits and franchises; also the locomotives, passenger cars and freight cars, as follows: Three locomotives named "The John C. Fremont," "The Mineral Point" and "The Warren;" also three passenger cars and forty freight cars, used upon said railroad, and particularly all the property acquired by the Mineral Point Railroad Company subsequent to January 1st, 1856; together with all and singular the rights, titles, immunities, privileges, hereditaments and appurtenances to the company belonging or in any way appertaining.

To have and to hold the said property above described and hereby intended to be granted and conveyed unto the said party of the second part, his heirs and assigns, to his and their only proper use, benefit and behoof forever.

In witness whereof the said party of the first part, marshal of the United States, in and for the District of Wisconsin aforesaid, has hereunto set his hand and seal this twelfth day of November, A. D. 1861.

DARIUS C. JACKSON, [SEAL.]
U. S. Marshal.

Sealed and delivered in the presence of
W. H. JACKSON,
JNO. B. D. COGSWELL.

STATE OF WISCONSIN—*Milwaukee County*—ss.

On this twelfth day of November, A. D. 1861, before me personally appeared Darius C. Jackson, Marshal of the United States, in and for the District of

Wisconsin, known to me to be the person who executed this conveyance, and acknowledged that he executed the same to be his own act and deed for the purposes above mentioned.

JNO. B. D. COGSWELL,

Notary Public, Milwaukee County, Wis.

Filed and recorded 10 o'clock, A. M.

November 18, 1861.

JAMES C. CARTER TO ASAHEL FINCH AND OTHERS.

QUIT CLAIM DEED.

This indenture, made the twelfth day of November, in the year of our Lord, one thousand eight hundred and sixty-one, between James C. Carter, of the city of New York, party of the first part, and Asahel Finch, of the city of Milwaukee, Samuel J. Holmes, of the city of New York, Luther Beecher, of the city of Detroit, and Henry Koop and George W. Cobb, of Mineral Point, parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of one dollar, to him in hand paid, by each of the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has given, granted, bargained, sold, remised, released and quitclaimed unto each of the said parties of the second part, to their heirs and assigns forever, one undivided five thousandth part of all the property conveyed to the said party of the first part by D. C. Jackson, Marshal of the United States, for the District of Wisconsin, by deed executed and delivered by said D. C. Jackson, Marshal as aforesaid, and bearing the date the twelfth day of November, in the year one thousand eight hundred and sixty-one.

To have and to hold the same, together with all and singular the appurtenances and privileges thereunto belonging, or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use and benefit of the said parties of the second part, their heirs and assigns forever severally.

In witness whereof, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

JAMES C. CARTER. [SEAL.]

Signed, sealed and delivered in presence of

MAT. H. CARPENTER,

WILLIAM J. C. FORESTER.

STATE OF WISCONSIN—*Milwaukee County*—ss.

James C. Carter, personally known to me to be the grantee above named, personally appeared before me this 12th day of November, A. D. 1861, and sealed and subscribed the foregoing instrument in my presence, and acknowledged that the same was his free act and deed.

[SEAL.]

MAT. H. CARPENTER,

Notary Public, Milwaukee County.

Filed and recorded, 10 o'clock, A. M., November 18, 1861.

JAMES C. CARTER, ASAHEL FINCH AND OTHERS, TO THE MINERAL POINT RAILROAD.

QUIT CLAIM DEED.

This indenture, made the twelfth day of November, in the year of our Lord

one thousand eight hundred and sixty-one, between James C. Carter, Asahel Finch, Samuel J. Holmes, Henry Koop, George W. Cobb and Luther Beecher, parties of the first part, and the Mineral Point Railroad, party to the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of one dollar, to each of them in hand paid by the said party of the second part, the receipt whereof is hereby confirmed and acknowledged, have given, granted, bargained, sold, remised, released and quit claimed, and by these presents do give, grant, bargain, sell, remise, release and quit claim unto the said party of the second part, to its successors and assigns forever, all the property conveyed to the said James C. Carter by D. C. Jackson, Marshal of the United States for the district of Wisconsin, by deed executed and delivered by said D. C. Jackson, Marshal as aforesaid, and bearing date the twelfth day of November, in the year one thousand eight hundred and sixty-one, of which property one undivided five thousandth part was subsequently conveyed by said James Carter to each of the others of the said parties of the first part.

To have and to hold the same, together with all and singular, the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, either in law or equity to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns forever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

JAMES C. CARTER,	[SEAL.]
SAMUEL T. HOLMES,	[SEAL.]
HENRY KOOP,	[SEAL.]
GEO. W. COBB,	[SEAL.]
LUTHER BEECHER,	[SEAL.]

Signed, sealed and delivered in presence of

WILLIAM J. C. FORESTER,
MAT. H. CARPENTER.

STATE OF WISCONSIN—*Milwaukee County*—ss.

James C. Carter, Asahel Finch, Samuel T. Holmes, Henry Koop, Geo. W. Cobb and Luther Beecher, personally known to me to be the grantees above named, personally appeared before me this 12th day of November, A. D. 1861, and sealed and subscribed the foregoing instrument in my presence, and acknowledged that the same was their free act and deed.

[SEAL.]

MAT H. CARPENTER,
Notary Public Milwaukee County, Wis.

Filed and recorded 10 o'clock A. M., November 18, 1861.

ORGANIZATION OF ST. PAUL RAILROAD COMPANY.

WHEREAS, That part of the La Crosse and Milwaukee Railroad and the property real and personal described in the mortgage deed made by that company to Green C. Bronson, James T. Soutter and Shepherd Knapp, dated December 31, A. D. 1856, in trust to them to secure the payment of the indebtedness therein named, and also described in a deed executed by the same parties supplemental to the mortgage deed in trust last above named, and dated January 28, A. D. 1858, both of which deeds are recorded in the office of the secretary of state for the state of Wisconsin, and copies thereof are on file in the district court of the United States for the district of Wisconsin, in the case of Benson, Soutter and Knapp, trustees, complainants against the La Crosse and Milwaukee Railroad Company and others, defenders, to which copies, records and files reference is here made for a more particular descrip-

tion of the property, real and personal, has been sold in pursuance of certain foreclosure proceedings had in the United States district court for the district of Wisconsin, on the complaint of said Green C. Bronson, James T. Soutter and Shepherd Knapp, trustees, under said mortgage deed of trust made by the said La Crosse and Milwaukee Railway Company, dated December 31, A. D. 1856, and of a certain supplemental mortgage deed of trust, executed by the same parties and dated January 28, 1858, to the records of which court and the proceedings had therein in said action, reference is here made for a more full and particular statement thereof; and

WHEREAS, The undersigned have purchased said road at said sale, and all its property, real and personal, franchises and privileges as described in said deeds.

Now therefore be it known, that we, the undersigned purchasers as aforesaid, being desirous of forming a corporation under and by virtue of the laws of the state of Wisconsin, do hereby associate together for that purpose and do hereby declare the following to be the certificate or articles of association, and we execute the same in duplicate to the end that one may be filed in the office of the secretary of state for the state of Wisconsin, and the other to remain in the records of our corporation as a record of our corporate rights, privileges and immunities.

First. Our corporate name shall be the Milwaukee and St. Paul Railway Company.

Second. The number of directors shall be not less than nine or more than thirteen, and each director from and after ninety days from this date shall own at least one hundred shares of the capital stock of this corporation, and if at any time, any director shall cease to own such amount, he shall be disqualified from being such director, and his office shall be from thenceforth vacant.

For the first year, and until others are chosen in their place, the following persons are the directors:

Isaac Seymour, N. A. Cowdry, Horace Chapin, David M. Hughes, William Gould, Frederick P. James, George Smith, all of New York; Ashel Finch and Wm. H. White, both of Milwaukee.

Third. Our capital stock shall not exceed, except as hereinafter provided, \$4,200,000, divided into 42,000 shares, which said shares shall be subdivided as follows:

An amount not exceeding \$3,450,000, or 34,500 shares, shall be set apart and designated as "preferred stock," and the full sum of \$100 per share we hereby declare and acknowledge to be paid thereon, except on so much of this class as is hereinafter designated as "scrip preferred stock," and on this scrip stock we hereby declare and acknowledge the sum of one dollar per share to be paid.

The balance of said capital stock of \$750,000 or 7,500 shares, shall be designated as common stock, and we hereby declare and acknowledge the full sum of one hundred dollars per share to have been paid thereon.

Of the said \$3,450,000 preferred stock, an amount not exceeding \$2,200,000, at par, or 22,000 shares shall be set apart and designated as scrip preferred stock here named, or hereafter named, shall not at any time exceed the amount of outstanding mortgage bonds hereinafter named.

The scrip preferred stock shall not be subject to any assessment, and shall entitle the person, in whose name it stands upon our books, to all the rights and privileges of other stockholders, except that it shall not entitle the holder to any dividend or other profit or increase from the income or assets of this company.

It shall be issued in certificates of five and ten shares each, and shall accompany each mortgage bond of the company. The holder thereof shall have the right, at any time within ten days after any dividend shall have been declared and become payable on the preferred stock, to make the scrip preferred stock attached to his bond full paid stock, upon the surrender to the company of the mortgage bond named by its number in scrip certificate, and, upon surrendering said scrip certificate and bond, he shall be entitled to receive therefor the same number of shares of preferred full paid stock, and entitled to dividends.

The said preferred stock, except said scrip stock, shall be entitled to a divi-

dend of seven per centum per annum from the net earnings of each annual year, after payment of interest on all the mortgage bonds, if the company earn so much during the annual year, and before the payment of dividends to any other class of stockholders; but the company may reserve a reasonable working capital or surplus, before the dividend shall be declared or paid on said preferred stock, which surplus shall not exceed, at any time, the aggregate sum of \$250,000 over and above the floating or unfunded debt and the annual interest on the mortgage bonds. If the net earnings of the company are not as much as seven per cent. in any one year, then the said preferred stock shall receive for that year a dividend of whatever the said net earnings are, after the payment of interest on the mortgage bonds and the reasonable reserve for a working capital as above described. Said preferred stock shall not have any claim upon the earnings of any after year for the nonpayment of dividends of any preceding year.

And whenever the company earns sufficient, over and above the payment of interest on the bonds and the reserve above named, to pay a greater sum than seven per cent on said outstanding preferred stock and seven per cent. on the common stock, then the said preferred stock shall share *pro rata* with the common stock in such earnings

Fourth. The directors of the company shall have power to increase the said capital stock, as follows, viz: To acquire by purchase or otherwise, either the road and property now known as the eastern division of the La Crosse & Milwaukee Railroad Company, or any bonds secured by mortgage thereon, the sum of \$4,000,000, which shall be subdivided as follows: Into the preferred stock named in the third article hereof, and in addition thereto, and as a part thereof, \$2,750,000, or 27,500 shares, of which \$2,000,000 or 20,000 shares shall be designated as scrip preferred stock of the same class, and to be issued and used in the same manner as is provided in the third article hereof; the balance of said \$4,000,000 increase, \$1,250,000, or 12,500 shares, shall be in addition thereto, and as a part thereof of the common stock, as provided in said third article.

And if at any time the directors deem it for the best interest of the company to acquire by purchase or otherwise, the road and property now known as the Milwaukee and Western Railroad, commonly called the Watertown road, or any bonds of said road secured by mortgage thereof, then, and to that end, and for the construction thereof from Columbus to Portage, and for other uses of the company, the directors are hereby authorized to increase the capital stock, and to issue the like amount of bonds, preferred stock, scrip stock and common stock, as named in the previous paragraph of this article and in addition thereto.

And if at any time the directors deem it for the interest of this company to acquire, by purchase or otherwise, the road or property now known as the Milwaukee and Horicon Railroad, or any bonds of said company secured by mortgage of said road, then, and to that end, the directors are hereby authorized to increase the capital stock, and to issue it in addition to the amount previously stated, as follows, viz: of the preferred stock, \$800,000, or 8,000 shares, of which \$400,000, or 4,000 shares, shall be designated as scrip preferred stock, of the same class, and to be issued and used in the same manner as is above provided, and to issue of the common stock \$250,000, or 2,500 shares.

If at any time the directors deem it for the interest of this company to acquire, by purchase or otherwise, the road or property of any railroad company connecting with the railroad of this company, and which they are now or hereafter shall be authorized by the laws of Wisconsin to consolidate or join stock with, then and to that end the directors of this company are hereby authorized to increase and issue either or both classes of its capital stock, in addition to the amount above provided, to an amount not exceeding the gross amount of the capital stock of the company acquired, consolidated or joined stock with.

Fifth. This corporation shall have all the powers, privileges and immunities of said railroad companies, under the laws of Wisconsin, and especially to sue and be sued, to acquire use and sell, bargain, lease and convey all kinds of property, real and personal, necessary or convenient to operate, use and maintain said railroad, or the part or the whole of any other railroad hereafter acquired by them within the state of Wisconsin. To make any by-

laws for the government and management of the corporation, or its officers, not contrary to the laws of Wisconsin or of the United States. To make and use a common seal, and the same to alter and renew at pleasure. And the said corporation is hereby invested with all the powers, privileges and immunities which are necessary or convenient to carry into effect the purposes and objects of this corporation as herein expressed.

The said corporation is hereby authorized to take, transport and carry property and persons by railway by force and power of steam or of animals, or of any mechanical or other power, or of any combination of them, which said company may choose to apply, and from any part of the city of Milwaukee to the Mississippi River, and to and across said river, and to and from all intermediate places; they are also authorized and empowered to lease, buy, purchase, receive, hold, use, sell and convey all the property and franchises, furniture and equipments, real and personal, of the La Crosse and Milwaukee Railway Company, the Milwaukee and Minnesota Railroad Company, the Milwaukee and Western Railway Company, the Milwaukee and Horicon Railroad Company, or of any other railroad company to which any of the above named companies is or may be a successor, or which this company may join stocks or consolidate with, also the capital stock of either of them, and any or all mortgages bonds or other evidences of debt made by either of them; and when purchased by this company, they shall have all the legal and equitable rights that the holders thereof had before their sale to this company. Also to support, maintain, hold, use, sell and convey, one or more steam ferry boats to be used on the Mississippi river; also to purchase, hold, use, sell and convey upon this line of railway or elsewhere any materials, engines, cars, steam ferry boats, or any other property, real or personal, necessary or convenient for this corporation and for their use in transporting persons and property; to purchase, receive and hold, and to sell and convey such real estate as may be necessary and convenient in accomplishing the object for which this company is incorporated. This company shall also have all the powers, rights, privileges and equities that are or were had by the La Crosse and Milwaukee Railroad Company, to acquire, receive, hold, bargain sell and convey lands; and they shall also have power to purchase, acquire, receive, hold, bargain, grant, sell and convey all or any part of the lands or the appurtenances thereto, which have been heretofore or shall hereafter be granted or donated by the United States to the state of Wisconsin to aid in the construction of railroads in that state or by either of them to aid in building the road of this company, and also all rights, equities or things whatsoever pertaining to said lands, and also to have, hold, bargain and sell all claims, demands or equities to said lands against the United States, the state of Wisconsin or against any and all persons or corporations whatsoever: also to fix, regulate and receive the tolls and charges by them to be received for transportation of persons and property.

The said corporation shall have power to build and construct any new line of railway necessary or convenient in straightening the old line or in extending it so as to conform to the requirements of the charters of either of the companies herein named, or with the law of the state of Wisconsin, and to build or extend their line of railway in such manner and form, and to such place or places now or hereafter authorized by law, as the Directors deem for the best interest of the company; but no expenditure shall be made for this purpose unless it is from the surplus earnings of the company, after providing the payment of interest on all its mortgage debt then outstanding.

Sixth. The corporation shall have power to issue bonds in sums of \$500 and \$1,000, to an amount not exceeding two million two hundred thousand dollars, unless the company shall purchase or acquire either the said Eastern Division of the La Crosse and Milwaukee Railroad, or some or all of the bonds which are a lien thereon, known as first mortgage Eastern Division, city of Milwaukee mortgage, or the second mortgage so called of said Eastern Division, in which event the corporation is authorized to issue an additional amount of said bonds, not exceeding two millions of dollars, and unless the corporation shall purchase or acquire either the said Milwaukee and Western Railroad (commonly called the Watertown road), or some or all of the bonds which are a first lien thereon, and shall build or undertake to build or extend said road from Columbus to Portage, in which event the corpora-

tion is authorized to issue an additional amount of said bonds not exceeding two millions of dollars, and unless the corporation shall purchase or acquire either the Milwaukee and Horicon Railroad, or some or all the bonds which are a first lien thereon, in which event the corporation is authorized to issue an additional amount of said bonds not exceeding four hundred thousand dollars, all of said bonds shall bear an interest of not exceeding seven per centum per annum, the principal and interest payable in the city of New York, the interest semi-annually, the principle within thirty years from date, they shall also contain a provision, that if the company make default in the payment of interest or in the application of the sinking fund, as hereinafter provided for six months, the principal shall thereupon become due without demand or notice. The said corporation shall have power to secure the payment of all of the bonds above authorized to be issued, by a mortgage or trust deed upon this purchase and all the real and personal property of the company now owned or to be hereafter acquired by them, and to embrace the entire corporate property and all its purchases and privileges.

The mortgage shall also contain a provision for a sinking fund for the payment of said mortgage-bonds, by which the new company shall obligate themselves to pay to the trustees of said mortgage-bonds all such sums of money, less the expenses of sales, as shall be received from the sale of any lands which may have been or shall hereafter be donated or granted by either the United States or the state of Wisconsin to aid in building the road, or that shall in any manner be acquired by this company.

And said lands shall be fairly, equitably valued and classified by the company or by such persons as they together shall appoint; and upon sale of said lands said mortgage-bonds may be received at par and accrued interest in payment therefor, and the bonds thus received in payment shall be immediately cancelled.

The company shall keep a proper registry or account of all the bonds thus paid by them, and the number or amount of bonds thus cancelled shall be reported by said company to the stockholders at each annual meeting, and said bonds shall be presented and shown at each meeting, and said trust deed shall contain all other reasonable and proper provisions for making said lands the most productive and available to the company as a sinking fund for the payment of said bonds.

The bonds received by said mortgage shall be convertible at the option of the holder into the preferred stock, at any time within ten days after any dividend shall have been declared, and become payable on said preferred stock.

The said mortgage-deed and bonds shall be signed by the president or vice president and secretary, and the seal of the company shall be affixed thereto; and except, as herein expressly provided, the corporation shall have no power or authority to mortgage or otherwise encumber their property, real or personal, unless the assent in writing of a majority in interest of the owners and holders of all the capital stock, issued by said corporation, shall be first had and obtained authorizing the same, and no assent shall be taken from agents or by proxy, unless the power of attorney, held by the agent or proxy, shall expressly authorize such assent.

And in the event of this company acquiring the said Eastern Division of the La Crosse and Milwaukee Railroad, the said mortgage or trust deed shall also contain a provision requiring so many of the mortgage-bonds, above authorized to be issued, as are reserved for the payment of the first mortgage Eastern Division, to be cancelled from time to time, as the present sinking fund on that mortgage shall have cancelled of that mortgage.

The said mortgage or trust deed may also contain covenants and agreements, authorizing bondholders to vote in all stockholders meetings as follows: each one hundred dollars of the principal of the outstanding bonds shall be entitled to one vote, and giving the bondholders the same pro rata voice in the management of the company with, and as if they were stockholders to the amount of their bonds.

Seventh. The immediate government and direction of the affairs of the company, shall be vested in a board of not less than nine or more than thirteen directors, and after the period for which the present directors are designated expires, said directors shall be chosen by the stockholders of the said company by ballot at their annual meeting in each year, and shall hold their

office until the next annual meeting of the company, or until others are duly elected and qualified to take their places as directors.

The preferred stockholders shall elect the directors until a dividend shall have been earned, declared and paid on the common stock, and until then the common stockholders shall have no vote or voice in the election of directors.

The said directors shall elect one of their number president of the board, who shall also by virtue thereof, be president of the company, and shall also elect a vice-president from one of their number. They shall also appoint a secretary, and such other officers or agents as the necessity or convenience of the company requires.

A majority of the directors of the company shall constitute a quorum to do business, a less number may adjourn from time to time.

In case it shall so happen that an election of directors shall not be made on the day appointed for that purpose, said corporation shall not for that cause be dissolved but said election may be had on any day to which the stockholders shall adjourn or which shall be appointed by the directors, and said directors shall have power to fill any vacancy which may occur in their board by death, resignation or otherwise; also to add to their number so as not to exceed thirteen in all.

The said directors shall have power to make and proscribe such by-laws rules and regulations as they shall deem proper and needful, touching the disposition and management of the stock, property, estate and effects of said company, the transfer of shares, the duties and conducts of their officers, agents and servants, and all matters whatever which may appertain to the concerns of said company not contrary to those established by the stockholders, or to this act, or to the laws of the state of Wisconsin, or the United States.

Also to petition and apply for any law of the state of Wisconsin in alteration thereof, but such law shall contain a clause requiring the same to be submitted to the stockholders for approval, upon which the validity of any alteration hereof shall depend.

Eighth. The signing of this certificate or article of association is hereby declared to be a special meeting of the stockholders, and a vote and the assent of the stockholders to borrow the money and to mortgage the road for the amount as above set forth, and also to be a waiver of any notice required of the meeting on that subject.

Ninth. The certificates of stock issued by this company, shall upon their face be made subject to all the terms and conditions of these articles of association.

Tenth. Upon the dissolution of the corporation after the payment of all its debts, the remaining assets shall be divided among the different classes of stockholders according to their preference, that is to say, the preferred stock except the scrip stock, shall be first paid in full and the balance divided among the common stockholders *pro rata*. But this corporation shall not be dissolved by any act of the company without an affirmative vote of two-thirds of each class of stockholders.

Eleventh. These articles of association may be modified, altered or amended at any annual or special meeting duly called, at which a majority in interest of each class of stockholders shall be present, and voting in the affirmative. But no stockholder shall become liable to pay any money by any such action, unless he shall have voted therefor or assented thereto.

Twelfth. Annual meetings of the stockholders for the choice of directors shall be held in the state of Wisconsin, in the month of June in each year after 1864, which meeting shall be called by the directors, who shall specify the time and place for holding the same, and at least thirty days previous to each annual meeting the directors shall send through the postoffice, to each stockholder, to the address as shown by the company's books, a full and specific statement of all the business, acts and doings of the corporation up to the 1st day of January preceding.

Witness our hands, at the city of Milwaukee, this 5th day of May, 1863.
WILLIAM WALLACE PRATT,
WM. HY. WHITE.

Filed May 5, 1863, at 5½ o'clock P. M.

EDWARD ILSLEY, *Asst. Secretary of State.*

ORGANIZATION, IN THE STATE OF ILLINOIS, OF THE WESTERN UNION RAILROAD COMPANY.

CERTIFICATE OF G. A. THOMPSON.

WHEREAS, The railroad of the Racine and Mississippi Railroad Company has been sold by virtue of the second mortgage of said road, by foreclosure thereof, the part of the said railroad lying within the state of Wisconsin, on the ninth day of November, 1860, and the part of said railroad lying within the state of Illinois, on the seventh day of February, 1865; and

WHEREAS, I, George A. Thompson, have become the owner of the portion thereof lying in the state of Wisconsin, under title derived from Morris K. Jessup, the purchaser at the foreclosure sale of the part of said railroad lying within the state of Wisconsin, and the owner of the part lying within the state of Illinois, by purchase at the foreclosure sale of that part, and am now the owner of the whole of said railroad under said purchase, and desire to form a corporation under the laws of the state of Illinois, as I am as such owner authorized to do by virtue of the provisions of the act of the general assembly of the state of Illinois, entitled "an act to facilitate and authenticate the formation of a corporation by the purchasers or future owners of the Racine and Mississippi Railroad, approved February the twenty-first, one thousand eight hundred and sixty-three."

Now, therefore, I, the said George A. Thompson, do hereby, in pursuance of the provisions of the said act, make this certificate and specify as follows:

First. The name of the said corporation shall be the Western Union Railroad Company.

Second. The number of directors shall be thirteen.

Third. The names of the directors for the first year are herein designated as follows: Richard Irvin, Jacob S. Witmore, S. B. Nash and R. G. Rolston, all of the city of New York; S. C. Tuckerman, Henry T. Fuller, Darwin Andrews and G. A. Thomson, all of the city of Racine, Wisconsin; E. B. Barton, of Freeport, Illinois; H. S. Mills, of Mount Carroll, Illinois; D. W. Daw, of Lanark, Illinois; William Shannon, of Shannon, Illinois; and Eliza Northey, of Shannon, Illinois, whose acceptance of the office hereby conferred upon them is endorsed hereon.

This certificate is to be filed in the office of the secretary of state of Illinois, and upon the filing hereof I shall claim to be a body politic and corporate, under and by virtue of the act aforesaid, by the name of the Western Union Railroad Company, as above expressed, and to possess and exercise through the board of directors above named, all the privileges, powers, authorities and capacities conferred by the act aforesaid.

In witness whereof, I have hereunto set my hand and seal this first day of May, in the year one thousand eight hundred and sixty-five.

G. A. THOMSON. [SEAL.]

We, the undersigned, directors named in the within certificate of organization of the Western Union Railroad Company, accept the office thereby conferred:

S. C. TUCKERMAN,
HENRY T. FULLER,
DARWIN ANDREWS,
G. A. THOMSON,
RICHARD IRVIN,
S. P. NASH,

JACOB S. WHITMORE,
EDWARD P. BARTON,
ELIJAH NORTHEY,
A. H. MILLS,
WM. SHANNON,
D. W. DAWE,

R. G. ROLSTON.

UNITED STATES OF AMERICA—*State of Illinois*—ss.

I, Sharon Tyndale, secretary of state of the state of Illinois, do hereby certify that the foregoing is a true copy of the certificate of organization in the state of Illinois of the Western Union Railroad Company now on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal
[SEAL] of the state, at the city of Springfield, this 16th day of June, A. D.
1865.

SHARON TYNDALE,
Secretary of State.

AMENDMENT OF ARTICLES OF ASSOCIATION OF MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

At a meeting of the stockholders of the Milwaukee & St. Paul Railway Company, held at the office of the company, on Thursday, the 20th day of June, A. D. 1867, the following resolutions were passed:

Resolved, That our articles of association be, and the same are hereby, amended by adding thereto the following amendment:

Amendment of the Articles of Association of the Milwaukee & St. Paul Railway Company.

The undersigned, a majority in interest of the various classes of stock in the Milwaukee & St. Paul Railway Company, hereby amend our articles of association, so that the directors are authorized to make one or more mortgages or trust deeds upon the whole or any part of any line of railway, including its equipments, supplies and franchises, which shall hereafter be owned or the possession thereof acquired, by the Milwaukee & St. Paul Railway Company, in a similar manner and form as the mortgages upon our present line of road, and to the same amount per mile, which mortgages or trust deeds may contain the covenants and agreements usual in railway mortgages. The future mortgages made by this company may bear a rate of interest not exceeding eight per cent. per annum, and bonds secured thereby may be in sums of one thousand dollars (\$1,000), or five thousand dollars (\$5,000), each, or in such other amounts as the directors think expedient.

And a stock vote having been called thereon, the following stockholders voted in the affirmative:

NAMES.	Scrip.	Preferred.	Common.
J. Bacon and H. Gassett, Trustees.....		28	9
A. H. Barney		400	70
Robt. Bayard.....	2,980	1,675	828
H. C. Beach	10	25	3
B. Blanco		10	11
R. H. Brinkerhoff.....	10		
James Buell	150		10
Cammann & Co.....	50	1,350	1,660
John Catlin	60		
Clark, Dodge & Co.....		1,500	170
Mrs. P. M. Colt	80		
N. A. Cowdrey	1,520	1,958	895
W. S. Cox	10		
Robt. Craig.....	10	18	14
Augustus Crane.....		100	
Thos. Crane	40	120	42
R. S. Cutting & Co.....		100	800
Wm. A. Davis	80	54	5
Wm. Dennistown	500		
De Rouge & Dyett.....	560		
John A. Dibble	20	8	2

Stockholders voting in the affirmative—continued.

NAMES.	Scrip	Preferred.	Common.
L. G. Dodge	20	5	1
Drexel, Winthrop & Co .....	.....	3,800	1,490
Wm. Edgar	70	.....	.....
L. Elting	200	.....	16
S. E. W. Elting	40	7	.....
E. Elting .....	.....	10	1
W. X. Ely	30	.....	.....
Thos. E. Ferrier	10	8	.....
Filer & Wood .....	.....	850	1,819
Geo. Ford	10	12	.....
J. G. Garner	120	200	120
H. Gassett, administrator .....	.....	10	3
H. Gassett, trustee .....	.....	27	3
H. Gassett, trustee .....	.....	.....	2
H. Gassett .....	.....	14	6
Henry Beers Glover	20	6	3
Greenleaf, Noys & Co	50	8,801	1,110
W. S. Gurnee	600	1,965	1,811
Hewitt & Ryerson .....	.....	300	40
S. M. Hibbard .....	.....	500	.....
A. S. Higgins .....	.....	100	10
H. H. Holley	20	.....	.....
Jno. Honeyman .....	.....	12	6
Moses A. Hoppack	40	12	4
Geo. W. Hosmer	10	.....	.....
F. P. James .....	.....	100	25
F. P. James & Co	880	500	1,204
James W. Judd .....	.....	11	8
H. Kinckerbacher .....	.....	400	330
John Knower	360	343	35
Lockwood & Co .....	.....	8,800	6,325
J. Milton Mackie .....	.....	14	.....
Robt. Marshall	60	.....	.....
C. R. Marvin & Co .....	.....	1,200	950
J. L. McWhorter	10	5	1
Solomon Mead	100	35	11
Isaac M. Millank	60	68	71
D. & X. G. Miller .....	.....	300	345
Alex. Mitchell	640	1,389	696
Alex. Mitchell, trustee	210	.....	.....
B. G. Mitchell .....	.....	1,600	820
Geo. Moke .....	.....	100	10
S. F. Morris .....	.....	.....	10
H. M. Needham	10	5	1
A. Noxon	280	.....	.....
F. H. Palmer .....	.....	.....	700
Henry H. Palmer	70	32	3
John Pemberton	20	6	3
E. H. Perkins, Jr. ....	.....	200	10
O. H. Perry, Executor	10	8	11
Palhumins & Jackson .....	.....	.....	340
Mathew P. Reed .....	.....	200	18
E. C. Reigart	210	100	120
John S. Roberts	20	6	2
Joseph Rogers .....	.....	100	20
J. Warren Rogers & Co .....	.....	1,300	1,270
Joseph Rudd	350	150	15
Peter P. Runyon	40	15	6

Stockholders voting in the affirmative—continued.

NAMES.	Scrip.	Preferred.	Common.
Gardner A. Sage.....	180		
Russell Sage.....	4,630	8,012	1,696
Russell Sage, Trustee.....		177	139
Henry Salsbury.....	200	100	16
Geo. C. Satterlee.....		37	39
R. M. Savery.....	50	200	
Scott, Capron & Co.....			100
Geo. S. Scott.....		200	
Scott, Jerega & Co.....		300	130
M. J. Sheldon.....	250		
Isaac Sherman.....	2,000	600	490
Geo. Smith.....	3,820	1,018	81
J. N. Starin.....	10	8	2
Elias Stillwell.....	30	12	4
H. C. Simson & Co.....		3,500	3,020
A. Studwell.....	24	16	14
Richard S. Suydam.....		200	
Thompson, Markham & Co.....		200	20
H. S. Iroxell.....	10	50	11
P. C. Van Schaick.....	160	100	110
James Verden.....	30	18	15
Julius Wadsworth.....	500	1,680	210
Walterhouse, Pearl & Co.....			100
E. B. Wesley.....	40	200	100
Weston & De Billier.....		4,729	290
Wm. M. Wilson.....	10		
A. D. Williams.....		450	361
A. D. Williams & Co.....	110	1,674	917
S. Wilt.....	250		
Aben B. Baylis.....		500	60
W. S. Melins.....	30		
D. B. St. John.....	510	466	64
M. A. Howell.....	30	16	14
Isaac Scott.....		400	20
S. Chamberlain.....	117	8	100
S. S. Merrill.....		100	
John W. Cary.....		100	
W. F. Weld....	500		
Total.....	23,560	55,033	61,366

And the said being a majority of each class of said stockholders, the same was adopted. At said meeting, the following further proceedings were had: WHEREAS, Our present capital stock as now represented, is as follows:

Scrip, preferred.....	43,189 ²¹ / ₁₀₀ shares	\$4,289,998 00
preferred.....	73,918 ²² / ₁₀₀ shares	7,391,892 00
common.....	44,450 ²⁷ / ₁₀₀ shares	4,445,087 00

AND, WHEREAS, At this annual meeting, 23,560 shares of scrip preferred, 55,033 shares of preferred, and 31,366 shares of common stock, being a majority of each class of the stock of this company, have voted in favor of amending our articles of association by adding thereto as follows:

"Amendment of the Articles of Association of the Milwaukee and St. Paul Railway Company."

"The undersigned, a majority in interest of the various classes of stock in the Milwaukee and St. Paul Railway Company, hereby amend our articles of association, so that the directors are authorized to make one or more mortgages or trust deeds upon the whole or any part of any line of railway, including its equipments, supplies and franchises, which shall hereafter be owned, or the possession thereof acquired, by the Milwaukee and St. Paul Railway Company, in a similar manner and form as the mortgages upon our present line of railroad, and to the same amount per mile, which mortgages or trust deeds may contain the covenants and agreements usual in railway mortgages. The future mortgages made by this company may bear a rate of interest not exceeding eight per cent. per annum, and bonds secured thereby may be in sums of one thousand dollars (\$1,000) or five thousand dollars (\$5,000) each, or in such other amounts as the directors think expedient." Now therefore,

Resolved, That we do hereby ratify and adopt said alteration or amendment of our articles of association, and declare the same to be a part thereof, and we hereby authorize the directors to exercise the powers, rights and privileges conferred upon the corporation by virtue of said amendment.

I, Alanson Cary, Secretary of the Milwaukee and St. Paul Railway Company, hereby certify the foregoing to be a true copy of the proceedings of the stockholders of the said company, at a meeting held on the 20th day of June, A. D. 1867.

Witness my hand and the corporate seal of said company hereto affixed, this sixth day of July, A. D. 1867.

[SEAL]

[5 cent rev. stamp cancelled.]

ALANSON CARY,
Sec'y Mil. & St. Paul R'y Co.

WHEREAS, It has been made to appear to us that a majority in interest of each class of our shareholders have altered our articles of association as hereinafter set forth.

Now, therefore, that said alterations may become a part of our records, we find and declare that the present amount of our capital stock is as follows:

Scrip, preferred stock	43,189 ²¹ / ₁₀₀ shares	\$4,318,998 00
Preferred stock	78,918 ²² / ₁₀₀ shares	7,891,892 00
Common stock	44,450 ⁸⁷ / ₁₀₀ shares	4,445,087 00
Total	<u>161,559⁷⁷/₁₀₀ shares</u>	<u>\$16,155,977 00</u>

That our shareholders to the following amounts have made such alterations, viz:

Scrip preferred stock	23,560 shares	\$2,356,000 00
preferred stock	55,083 shares	5,503,300 00
common stock	31,366 shares	3,136,609 00
Total	<u>109,959 shares</u>	<u>\$10,995,900 00</u>

That the following is the alteration made, the detailed vote on which appears in the records of the stockholders' meeting held June 20, 1867, which we hereby direct the secretary to prepare in proper form, and lodge a certificate thereof in the office of the Secretary of State of the state of Wisconsin.

"Amendment of the Articles of Association of the Milwaukee and St. Paul Railway Company."

"The undersigned, a majority in the interest of the various classes of stock in the Milwaukee and St. Paul Railway Company, hereby amend our articles

of association, so that the directors are authorized to make one or more mortgages or trust deeds upon the whole or any part of any line of railway, including its equipments, supplies and franchises, which shall hereafter be owned or in possession thereof, acquired by the Milwaukee and St. Paul Railway Company, in a similar manner and form as the mortgages upon our own present line of road, and to the same amount per mile which mortgages or trust deeds may contain, the covenants and agreements usual in railway mortgages. The future mortgages made by this company may bear a rate of interest not exceeding eight per cent. per annum, and bonds secured thereby may be in sums of one thousand dollars (\$1,000), or five thousand dollars (\$5,000) each, or in such other amounts as the directors think expedient.

I Alanson Cary, Secretary of the Milwaukee and St. Paul Railway Company, hereby certify that a resolution of which the foregoing is a true copy, was adopted by the board of directors of said company, in session on the 20th day of June, 1867.

[SEAL.]

5 cent
rev. stp.
canc.

Witness my hand and the corporate seal of said company hereto affixed this sixth day of July, A. D. 1867.

ALANSON CARY,
Sec. Mil. & St. Paul R. R. Co.

Received and recorded July 10, 1867.

At a meeting of the stockholders of the Milwaukee and St. Paul Railway Company, held at the office of the company, June 22, 1867, the following proceedings were had:

On motion of J. W. Cary, it was

Resolved, That chapter 431 of the private and local laws of the state of Wisconsin, enacted in A. D. 1867, approved April 9, A. D. 1867, a substantial copy of which is as follows, viz:

"An act to authorize the Milwaukee and St. Paul Railroad Company to own stock in the Milwaukee and Prairie du Chien Railroad Company."

"The People of the state of Wisconsin, represented in Senate and Assembly do enact as follows: "

SECTION 1. The Milwaukee & St. Paul Railroad Company shall have in addition to the right to exercise all powers and franchises now conferred upon it by law, the power to purchase take hold and own in its corporate name and for its sole use shares in the capital stock or bonds of the Milwaukee & Prairie du Chien Railway Company, and its board of directors may direct the manner in which any such shares of capital stock may be voted upon, may collect and apply dividends, interest or principal thereof, as in their judgment will best promote the interests of said Railroad Company.

SECTION 2. This act shall take effect and be in force from and after its passage.

(Signed)

ANGUS CAMERON,
Speaker of Assembly.

(Signed)

WYMAN SPOONER,
President of the Senate.

Approved April 9, 1864.

(Signed)

LUCIUS FAIRCHILD, *Governor.*

Be and the same is hereby ratified approved and accepted by this company, and the holders of 96,623 shares being a majority of all the stock of said company, voted in favor of said resolution and no votes in the negative, the same was declared to be duly passed.

Thereupon upon motion of J. W. Cary, it was further.

Resolved, That the secretary of this company cause to be filed in the office of Secretary of State of the state of Wisconsin a copy of these proceedings and of the resolutions duly certified under the seal of the said company.

I, Alanson Cary, Secretary of the Milwaukee and St. Paul Railway Company, hereby certify the foregoing to be a true copy of resolutions passed at a meeting of the stockholders of said company, held June 22, 1864.

Witness my hand and the corporate seal of said company hereunto affixed at Milwaukee this sixth day of July, A. D. 1867.

[Seal]
[5 ct. rev. stp. cancelled]

Filed and recorded July 10, 1864.

ALANSON CARY,
Sec'y. Mil. & St. Paul Ry. Co.

ARTICLES OF ASSOCIATION OF THE WISCONSIN RAILWAY COMPANY.

We, whose names are hereto subscribed, desiring to become an incorporated company for the purpose of constructing, maintaining and operating certain railroads for public use, in the conveyance of persons and property, and also for the purpose of maintaining and operating certain railroads already constructed for the like public use, under and in pursuance of an act of the legislature of the state of Wisconsin, entitled "an act in relation to railroads and the organization of railroad companies," approved March 22, 1872, do hereby make, adopt and sign articles of association, as follows, to wit:

Article 1. The name of the corporation shall be "Wisconsin Railway Company."

Article 2. The railways to be constructed by the corporation hereby formed are to extend from some point on St. Croix river or lake, at or near Prescott, by the way of River Falls, to the city of Hudson, and along through the city of Hudson, west of the bluff, to the valley of Willow river, and thence up said valley to the west end of Lake Superior and to Bayfield. Also, from some point on the Mississippi river, near the mouth of the Chippewa river, to Eau Claire, Chippewa Falls and Menomonee, and from some point on said line to a point on the line above described from St. Croix to Lake Superior; and also, from a point at or near the village of Monroe to Shullsburg, and to the Mississippi river.

Article 3. The length of said railways is about four hundred miles, and will extend into or through the counties of Pierce, Polk, St. Croix, Barron, Burnett, Douglas, Bayfield, Ashland, Chippewa, Dunn, Eau Claire, Pepin, Buffalo, Green, La Fayette, Iowa and Grant.

Article 4. The capital stock of the company is to be five millions of dollars, divided into fifty thousand shares of one hundred dollars each.

Article 5. The number of directors of the company shall be thirteen, and the persons hereinafter named are the directors of this company, and shall manage its affairs for the first year, and until others are chosen in their places; and their residences are as hereinafter stated, to wit:

William Wilson, Menomonee, Wis.
John H. Knapp, Menomonee, Wis.
Thad. C. Pound, Chippewa Falls, Wis.
Richard F. Wilson, Eau Claire, Wis.
Philo Q. Boyden, Hudson, Wis.
Oliver S. Powell, River Falls, Wis.
Sam'l W. Campbell, Star Prairie, Wis.
John Lawler, Prairie du Chien, Wis.
Edward Meloy, Shullsburg, Wis.
James M. Whaling, Milwaukee, Wis.
Joseph F. Gilbert, Milwaukee, Wis.
Angus Smith, Milwaukee, Wis.
John W. Cary, Milwaukee, Wis.

In testimony whereof, we have hereto subscribed our names and places of residence, this 14th day of June, A. D. 1873, at the city of Milwaukee.

	Shares.
M. A. Fulton, Hudson, Wis	10
R. F. Wilson, Eau Claire	10
O. S. Powell, River Falls.....	10
O. T. Gilbert, Milwaukee.....	10

J. M. Whaling, Milwaukee	10
J. G. Thorp, Eau Claire.....	10
J. Lawler, Prairie du Chien.....	10
H. C. Putnam, Eau Claire	10
John H. Knapp, Menomonee	10
William Wilson, Menomonee	10
P. Q. Boyden, Hudson.....	10
Sam. W. Campbell, Star Prairie	10
John W. Cary, Milwaukee.....	10

MILWAUKEE COUNTY—ss.

John W. Cary, Richard F. Wilson and Oliver S. Powell, being severally duly sworn, depose and say that the names subscribed to the foregoing articles of association are the genuine signatures of the persons named therein, and that it is the intention of the subscribers in good faith to construct, maintain and operate the road mentioned in said articles of association, and further say not.

JOHN W. CARY,
O. S. POWELL,
R. F. WILSON.

Subscribed and sworn to, before me, this 14th day of June, A. D. 1873.

H. C. PUTNAM,

Notary Public, Wisconsin.

Recorded June 6, 1873.

CHANGE OF NAME OF MIL. & ST. P. R. R. TO "CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY.

At an adjourned meeting of the Milwaukee & St. Paul Railway Company, held in the city of Milwaukee on the 7th day of February, 1874, at which were present in person and by proxy a majority of all its shareholders, the following resolutions were unanimously adopted:

Resolved, That the corporate name of this company be changed to the "Chicago, Milwaukee & St. Paul Railway Company."

Resolved, That the Secretary of the company file in the office of the Secretary of State on the 11th day of February, 1874, a copy of the above resolution, certified under his hand and the seal of the company, in order that the change of name take effect from that date.

I, R. D. Jennings, Secretary of the Milwaukee & St. Paul Railway Company, certify the foregoing to be a true and correct copy from the minutes of a meeting of the stockholders of said company, held at their office in Milwaukee, February 7, 1874.

Witness my hand and the corporate seal affixed this seventh day of February, 1874.

R. D. JENNINGS,
Secretary.

The seal of the company under the name of the "Chicago, Milwaukee & St. Paul Railway Company."

Recorded February 11, 1874.

DEEDS OF CONVEYANCE.

**DEED CONVEYING THE MINNESOTA CENTRAL RAILWAY TO
THE MCGREGOR WESTERN RAILWAY COMPANY.**

This indenture, made the 22d day of June, A. D. 1867, between the Minnesota Central Railway Company, a corporation duly incorporated by the state of Minnesota, of the first part, and the McGregor Western Railway Company, a corporation duly incorporated by the state of Iowa, of the second part, witnesseth:

That the Minnesota Central Railway Company, for and in consideration of one dollar, and of 271 shares of the capital stock of the McGregor Western Railway Company, received of the McGregor Western Railway Company by the Minnesota Central Railway Company, to its full satisfaction, and in consideration of the said McGregor Western Railway Company assuming and agreeing to pay the present mortgage debts of said Minnesota Central Railway Company,—

Hath granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell and convey to the said McGregor Western Railway Company, and to their successors and assigns forever, all of their the Minnesota Central Railway Company's roadway, rolling stock, equipment and supplies, embracing and including all their railroad from the state line to Austin, thence in a northerly direction to Minneapolis, and embracing the branch from near Mendota to Fort Snelling to the city of St. Paul, including the bridge across the Mississippi river at St. Paul, and all further extensions of the railroad of the Minnesota Central Railway Company as now authorized by law, or which shall hereafter be authorized, including the right of way and land occupied by said road, and all the appurtenances thereunto belonging.

Also, embracing all the depots, station houses, engine houses, car houses, ware houses, elevators, machine shops, work shops, superstructures, erections and fixtures, and all lands used for railroad purposes, and all buildings erected and in process of erection thereon, and all appurtenances, rights, and privileges thereunto belonging. And also, all and singular the locomotives, tenders, passenger cars, carriages, tools, machinery, wood, coal, rents, tools, profits, benefits and advantages of said Minnesota Central Railway Company.

And the said Minnesota Central Railway Company for itself and for its successors and assigns doth covenant with the McGregor Western Railway Company its successors and assigns that it hath a good and indefeasible estate in fee simple, and hath good right to bargain and sell the same and that it will, and that its successors and assigns shall warrant and forever defend the same to the said McGregor Western Railroad Company, its successors and assigns, against all claims and demands whatsoever. Excepting and reserving to the grantor all lands that have heretofore been or shall hereafter be donated or granted by the United States or by the state of Minnesota to aid in the construction of the line of railroad above described.

The above premises are granted subject to the payment of a mortgage of \$2,000,000 made by the grantor to Washington Hunt and Russell Sage, trustees, which mortgage debt the grantee hereby covenants and agrees to assume and pay.

DEED CONVEYING THE MCGREGOR WESTERN RAILWAY AND MINNESOTA CENTRAL RAILWAY TO THE MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

This indenture made on the fifth day of August A. D. 1867, by and between the McGregor and Western Railway, a corporation duly incorporated under laws of the state of Iowa of the first part, and the Milwaukee and St. Paul Railway Company, a corporation duly incorporated by the state of Wisconsin of the second part, Witnesseth: that the McGregor Western Railway Company for and in consideration of one dollar, and 975 shares of the said Milwaukee and St. Paul Railway Company's capital stock of which one half is common and one half preferred, received to its full satisfaction by the McGregor Western Railway Company of the said Milwaukee and St. Paul Railway Company, and in consideration of the last named company assuming and promising to pay all the mortgage bonds and past due coupons of the McGregor Western Railway Company, and of all the debts and valid contracts of said McGregor Western Railway Company, hath granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell and convey unto the Milwaukee and St. Paul Railway Company and to their successors and assigns forever, all of their railway, rolling stock, equipments and supplies, embracing and including all their railroad from the Mississippi River at or near McGregor in the county of Clayton, state of Iowa, thence running westerly and northwesterly through Clayton, Alamakee, and Winnesheik counties via Cresco in Howard county to the Minnesota state line, thence in a northwesterly direction to Austin in the county of Mower in said Minnesota, thence northerly through the counties of Mower, Dodge, Steele, Rice, Dakota and Hennepin to Minneapolis, and embracing the branch from near Mendota or Fort Snelling to the city of St. Paul in Ramsey county, including the bridge across the Mississippi River at St. Paul, all further extensions of the railroad of the McGregor Western Railway Company as now authorized by law or which may hereafter be authorized including the right of way and land occupied by said road, and all the appurtenances, privileges and franchises thereunto belonging, also embracing all the depots, station-houses, engine houses, car houses, ware houses, elevators, machine shops, workshops, superstructures, erections and fixtures, and all lands, used for railroad purposes, and all buildings erected or in process of erection thereon, and all appurtenances, rights and privileges therunto belonging, and also all and singular the locomotives, tenders, passenger cars, carriages, tools, machinery, wood, coal, rents, tolls, profits, benefits and advantages of said McGregor Western Railway Company relating thereto. * * *

The above premises are granted subject to the payment of a mortgage to Wm. B. Ogden and Samuel J. Tilden, Esqrs., trustees of \$1,091,000 and interest, and subject to a mortgage to Washington Hunt and Russell Sage, Esqrs., trustees of \$2,000,000, which mortgage debts the said Milwaukee and St. Paul Railway Company hereby assumes and promises to pay; and subject to a contract with the Iowa and Minnesota Railway Construction Company, for the construction of the road from Cresco to Owatonna, the obligations of which contract, so far as the same are unsatisfied, the said Milwaukee and St. Paul Railroad Company hereby assume and agree to save the McGregor Western Railway Company harmless therefrom.

DEED CONVEYING THE MINNESOTA CENTRAL RAILWAY FROM AUSTIN TO THE STATE LINE—11 MILES—TO THE MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

This indenture, made the 15th day of February, A. D. 1870, by and between the Minnesota Central Railway Company, a corporation duly incorporated under the laws of the state of Minnesota, of the first part, and the Milwaukee

and St. Paul Railway Company, a corporation duly incorporated by the state of Wisconsin, of the second part, witnesseth:

That the Minnesota Central Railway Company, for and in consideration of three thousand five hundred and twenty shares of the capital stock of the Milwaukee and St. Paul Railway Company, of which one-half is preferred stock, and one-half is common stock, and (of the present market value of about two hundred and fifty thousand dollars), all received to the full satisfaction of the Minnesota Central Railway Company, they have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell and convey unto the Milwaukee and St. Paul Railway Company, and to their successors and assigns forever, all their railway from a point where the same connects with said Milwaukee and St. Paul line of railway, in the city of Austin, county of Mower, running southerly to the state line, to a point of connection with the Cedar Falls and Minnesota Railway Company, including the right of way, and land occupied by said railway company for railway or station house purposes, and all the appurtenances, privileges and franchises appertaining to the operation of said railroad between the points named; also embracing all depots, station houses and lands used for railroad purposes, and all buildings erected or in process of erection thereon. * *

**DEED CONVEYING THE ST. PAUL AND CHICAGO RAILWAY TO
THE MILWAUKEE AND ST. PAUL RAILWAY COMPANY.**

This indenture made the third day of January, in the year of our Lord one thousand eight hundred and seventy-two, between the St. Paul and Chicago Railway Company, a corporation organized under the laws of the state of Minnesota, of the first part, and the Milwaukee and St. Paul Railway Company, a corporation under the laws of the state of Wisconsin, of the second part, witnesseth;

That the St. Paul and Chicago Railway Company, party of the first part, in consideration of the sum of four million dollars, to be paid by the Milwaukee and St. Paul Railway Company, party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, remised, released, aliened, enfeoffed and confirmed, and hereby grants, bargains, sells, remises, releases, enfeoffs and confirms to the Milwaukee and St. Paul Railway Company, party of the second part, its successors and assigns forever, the line of railway, of the party of the first part, commencing at its terminus, in the city of St. Paul, thence in a southerly direction on the east bank of the Mississippi river through the counties of Ramsey and Washington, to a point opposite or nearly opposite to the city of Hastings, thence across the Mississippi river by the iron bridge or viaduct to Hastings, thence on the west bank of the Mississippi river in a southerly direction through the counties of Dakota, Goodhue, Wabash, Winona and Houston, to La Crescent, including said iron bridge at Hastings, all in the state of Minnesota; with all lands and real estate used for railway purposes at and between the points above named, and all rails, fixtures, stations, depots, warehouses, shops, water tanks, turn tables, machinery and apparatus connected therewith and appurtenant thereto, into, including fifteen first-class locomotive engines, one hundred box cars and thirty-five flat cars, and all the rights and franchises of every description, of the party of the first part appertaining to the said line of railway, from St. Paul to La Crescent, necessary or requisite for the operation of the same, reserving therefrom all lands not used for railway purposes, owned or to be owned by the grantor, donated by the United States of America, or by the state of Minnesota.

DEED FROM THE HASTINGS AND DAKOTA RAILWAY COMPANY TO THE MILWAUKEE AND ST. PAUL RAILWAY COMPANY, FROM HASTINGS TO GLENCOE, SEVENTY-FIVE MILES.

This indenture, made this 20th day of June, A. D. 1872, by and between the Hastings & Dakota Railway Company, a corporation duly incorporated under the laws of the state of Minnesota, of the first part, and the Milwaukee & St. Paul Railway Company, a corporation duly incorporated by the state of Wisconsin, of the second part, witnesseth:

That the Hastings and Dakota Railway Company, for and in consideration of \$450,000 in money, or *seven thousand five hundred shares of the capital stock*, designated common stock of the Milwaukee and St. Paul Railway Company, and one million three hundred and fifty thousand dollars, at their par value, of the bonds of said Milwaukee & St. Paul Railway Company, to be received to the full satisfaction of the grantor, hath granted, bargained, sold and conveyed, and by these presents, doth grant, bargain, sell and convey unto the Milwaukee & St. Paul Railway Company, and to their successors and assigns forever, all their right, title and interest in and to, and all their rights and privileges appertaining to the line of railroad, commencing in the city of Hastings, in the county of Dakota, state of Minnesota, at or near the Mississippi river, extending westerly through the counties of Dakota and Scott, across the Minnesota river, into and through the city of Carver, to Glencoe, in the county of McLeod, as shown by the maps of said line of railroad, now on file in the office of the two railroad companies, embracing the road bed, right of way, and all the bridges, depots, station houses, engine houses, and all lands used for railroad purposes, at any and all places between the two terminal points, and all buildings erected or in process of erection thereon, and all appurtenances, rights and privileges thereunto belonging or appertaining; also embracing five new locomotives, first class, seventy-five new box freight cars and four new passenger cars. * *

WINONA AND ST. PETER RAILROAD COMPANY—AGREEMENT WITH DANFORD N. BARNEY, AND OTHERS.

Memorandum of an agreement, made the 31st day of October, one thousand eight hundred and sixty-seven, by and between Danford N. Barney, Jesse Hoyt, Angus Smith, William G. Fargo, Benjamin P. Cheney, Charles F. Latham, Ashbel H. Barney, Samuel N. Hoyt and Alfred M. Hoyt, parties of the first part, and the Winona & St. Peter Railroad Company, party of the second part:

Whereas, the said parties of the first part have, at and upon the request of the said party of the second part, loaned and advanced large sums of money to the party of the second part, and made, constructed and equipped one hundred and five miles of the railroad of the said party of the second part in the state of Minnesota, and the said party of the second part is indebted to the said parties of the first part in a large sum of money on account thereof:

And whereas, the said parties have agreed upon the terms of liquidation, settlement and payment of all such indebtedness, and the adjustment of the matters between them on the terms hereinafter named;

And whereas, the said party of the second part hath heretofore issued and delivered to the said parties of the first part its first mortgage bonds on said road for two million one hundred thousand dollars, in part payment of such indebtedness;

Now, the said party of the second part hath agreed, and doth hereby agree, in further part payment and satisfaction of such indebtedness, to issue to the said parties of the first part, four hundred thousand dollars of the full paid capital stock of its said company, and will also make, execute and deliver to the said parties of the first part, twelve hundred and sixty bonds or obliga-

tions of the said party of the second part, which said twelve hundred and sixty bonds shall bear date respectively on the first day of November, one thousand eight hundred and sixty-seven, and be for one thousand dollars each, payable in forty years from said date, and bear interest at the rate of seven per centum per annum, payable semi-annually in the city of New York; and that the said twelve hundred and sixty bonds, to be issued as aforesaid, shall be part of a series of eighteen hundred bonds of one thousand dollars each, all of which shall bear interest and be payable as aforesaid, and all of which shall be equally secured by a deed of trust or mortgage, to be executed by the said Winona & St. Peter Railroad Company to Samuel J. Tilden, as trustee, conveying the railroad of the said last named company from Winona westwardly to the Minnesota river, a distance of one hundred and fifty miles, more or less, as such railroad has been or shall hereafter be constructed, together with the equipments and appurtenances thereof, subject only to the prior lien of a certain other deed of trust or mortgage heretofore executed by said Winona & St. Peter Railroad Company to N. H. Stockwell and Jesse Hoyt, trustees, to secure the payment of first mortgage bonds of said last named company, issued and to be issued to the aggregate amount of three millions of dollars. And it is hereby expressly provided, that the bonds herein agreed to be issued as aforesaid, shall be issued only at the rate of twelve thousand dollars per mile of the portion of the Winona & St. Peter railroad constructed at the time of issuing the same, the distance now constructed, and in respect to which the said twelve hundred and sixty bonds sold, or agreed to be sold as aforesaid, shall be issued, being one hundred and five (105) miles. And it being understood and agreed, that the remaining five hundred and forty bonds shall be issued only from time to time as the work of constructing said railroad shall progress, at such time and in such manner that the aggregate amount of bonds of the series of eighteen hundred bonds aforesaid, which shall be at any time outstanding, shall not exceed the proportion of twelve thousand dollars per mile of such series of bonds for each mile of the said Winona & St. Peter Railroad which shall be at such time constructed.

And whereas, the said party of the second part is or claims to be entitled to have and receive, under the several acts of Congress passed in aid of the construction of said railroad, a certain number of acres of land, supposed to be about six hundred thousand acres, for constructing the portion of said road now constructed, to wit, one hundred and five miles of railroad:

Now, for the residue of the said indebtedness of the said party of the second part to the said parties of the first part, the said party of the second part hath agreed to sell and convey to the said parties of the first part, as many acres of land heretofore granted by Congress to the state of Minnesota, as the said party of the second part shall receive from said state by reason of the construction of the portion of the Winona and St. Peter Railroad heretofore constructed, to wit, one hundred and five miles thereof, extending westwardly from Winona, excepting and reserving, nevertheless, any and all parts and parcels of such lands (if any such there be) which may be necessary for the track of the said railroad, or the right of way, or any depot grounds thereof, or an other purpose incidental to the operation of the said railroad constructed, or to be constructed, or any part thereof; which saids land hereinbefore agreed to be sold, shall be conveyed to the said parties, or as they shall in writing direct, whenever and as soon as the said party of the second part shall obtain the title thereto under such acts of Congress. The lands to be conveyed as aforesaid shall be selected as follows:

Beginning at Winona aforesaid, and from thence proceeding on each side of the said railroad on a course running parallel therewith, and embracing each of the six, ten, fifteen and twenty mile limits of the Congressional land grants, and in proceeding taking all land within each and all of said limits which shall be received by the said company, under said acts of Congress, or either of them; it being understood, that on each side of the said railroad an uniform line of advance westwardly, embracing all the lands in said limits, shall be maintained as nearly as may be, until as many acres shall have been selected and taken as the said company shall have received for the construction of the portion of said railroad now completed, which is estimated to be one hundred and five miles thereof, extending northerly and wester-

ly from Winona aforesaid; it being understood that the said parties of the first part shall receive as many acres as shall be received by the party of the second part for the construction of said one hundred and five miles, or so much thereof as is now constructed, notwithstanding that under the act of Congress the said lands are certified only upon the completion of sections of not less than ten miles of railroads, but reserving, excepting and deducting from the said number of acres all lands necessary for the track of said railroad, or the right of way, or depot grounds, or other purposes incidental to the operation of said railroad.

And the said party of the second part agrees to acquire the title of said lands as fast as it may be permitted to do under said act of congress, and to release and convey to the said parties of the first part, or to such person or persons in such manner, and from time to time, as may be devised by the parties of the first part, or their counsel, on the request of the parties of the first part, or a majority of them, and will do any and every other act and thing necessary and proper to secure the said parties of the first part said lands, and every part and parcel thereof, and the proceeds thereof, if it shall be hereafter determined that the same shall be sold by the said party of the second part, for the benefit of the said parties of the first part; and until the final arrangements shall be made in reference thereto, the title shall be held by the said party of the second part; and as some time is necessary to enable said parties of the first part to confer and agree upon the details in relation to the holding of the title and the mode of disposing of said lands, this clause is inserted to express the agreement of said parties in relation thereto.

- And it is further agreed by and between the parties hereto, that the said parties of the first part shall have and take all the cash assets of the said party of the second part, up to the first day of November, 1867, and that the said parties of the first part shall assume and agree to pay, and that they shall fully pay and discharge all the floating debts of the said party of the second part up to the said first day of November, 1867, and all liabilities thereof to that date, except bonded debt, and including the interest to the said first day of November, 1867, which shall have accrued upon the outstanding bonds of the party of the second part, and which will amount at said date to the sum of forty-nine thousand dollars.

And the said parties of the first part hereby covenant, promise and agree to and with the said party of the second part, that the said parties of the first part shall and will receive and accept the property and things hereinbefore agreed to be transferred to them in full payment, satisfaction and discharge of all indebtedness of the said party of the second part to the said parties of the first part, or either of them.

And it is hereby further declared and agreed, that it shall be optional with the said party of the second part whether or not the said party of the second part shall construct the said railroad to any point beyond that to which it is now completed; but if the said party of the second part shall not, on or before the first day of February, 1869, resolve to undertake the construction of said railroad to the first crossing of the Minnesota river, at or near Mankato, a distance of about twenty-four miles, and notify the said parties of the first part, or some of them, that it will undertake such construction, the said parties of the first part shall then, to wit, from and after the said first day of February 1869, become entitled and be suffered and be permitted at their own election, to undertake the construction of said road to the said first crossing at or near Mankato aforesaid, and to complete the same within fifteen months from the said first of February, 1869, at the proper cost and expense of the parties of the first part, but for the use and benefit of the party of the second part, upon the terms following, that is to say: the said party of the second part, electing not to construct said railroad to the said first crossing at or near Mankato aforesaid, and the said parties of the first part, within fifteen months from the said first day of February, 1869, undertaking such construction as aforesaid, the said party of the second part shall issue and deliver to the said parties of the first part, from time to time, as the work of construction shall progress, the first mortgage bonds aforesaid, at the rate of twenty thousand dollars in amount thereof, and the sinking fund bonds aforesaid at the rate of twelve thousand dollars in amount thereof, for each mile of said railroad which shall be constructed by the said parties of the first part as aforesaid, in

addition to the one hundred and five miles now completed, until the said railroad shall be completed to the first crossing aforesaid; and upon the completion thereof by the party of the first part to the first crossing aforesaid, provided the same shall be so completed by the first day of May, one thousand eight hundred and seventy, said parties of the first part shall become entitled to receive from the party of the second part the same number of acres of land which the said party of the second part shall receive under the said acts of congress for the construction of said railroad from the point to which it is now completed to the said first crossing, except such lands as shall be required for railroad purposes, as hereinbefore provided in regard to the one hundred and five miles now constructed; which lands to be conveyed as aforesaid to the parties of the first part, upon the completion of said road by them to the first crossing, shall be selected in the same manner as hereinbefore provided in respect to the lands hereinbefore agreed to be conveyed to the parties of the first part, or for their benefit for the construction of said one hundred and five miles; and all the provisions hereof, in respect to the lands which may be received for the construction of the said one hundred and five miles, shall apply to the lands which may be received for the construction of said additional twenty-four miles: provided, always, that the said parties of the first part, undertaking the construction of said twenty-four miles, shall construct, complete and equip the same in such a manner that the condition thereof, upon the average, shall be in all respects equal, including equipment, to the average condition of the one hundred and five miles heretofore constructed, with the exception only that the said parties of the first part shall not be obliged to erect elevators thereon.

And provided further, that the said parties of the first part, undertaking the construction of said railroad beyond the point to which it is now completed, and receiving therefor the bonds aforesaid, shall indemnify and save harmless the party of the second part from all costs, charges, expenses, damages and liabilities of such construction.

And it is hereby further declared and agreed, that either party hereto, undertaking the construction of said railroad to the first crossing aforesaid, shall complete the same by the first day of May, one thousand eight hundred and seventy.

And it is hereby further declared and agreed, that if the said parties of the first part shall build the said extension of the said railroad to the said first crossing as aforesaid, pursuant to this agreement, the said party of the second part shall allow them to use the tracks of the constructed portions of said railroad to transport, free of charge and by the proper motive power, locomotives, cars, and other rolling stock, and the proper agents, employees and servants of the parties of the first part, and at their expense, all materials used in such construction, and all workmen employed in making the same, under and subject to such reasonable rules and regulations in respect to running trains over the said railroad, or any part thereof, as shall be from time to time prescribed by the said party of the second part, or the proper officer or officers thereof. And provided further, that such use of said track shall not impede or interfere with the ordinary business of said railroad; and that the said parties of the first part shall indemnify and save harmless the party of the second part from and against all loss and damage from any cause arising out of the use of said track by the said parties of the first part as aforesaid.

And it is hereby further declared and agreed, that after the completion of the said railroad to the first crossing aforesaid, it shall be optional with the party of the second part whether it shall construct the said railroad from the said first crossing to the second crossing of the Minnesota river, being about twenty-eight miles, more or less, (including the bridge over the first crossing;) but if the said party of the second part shall not, within the period of one year from the completion of said railroad to the first crossing, resolve to undertake the further construction of said road to the second crossing aforesaid, then, to wit, after the expiration of the period of one year from the time of the completion of said road to the said first crossing, the said parties of the first part shall become entitled, and shall, for the further period of one year, possess the option, to undertake to construct the said railroad from the said first crossing to the said second crossing, at the proper cost and expense of

the parties of the first part, but for the use and benefit of the party of the second part, upon the terms following, that is to say: the said party of the second part electing not to construct said railroad to the second crossing, the said parties of the first part, thereupon, within one year from the time of being notified of such election, undertaking the construction thereof, the said party of the second part shall issue and deliver to the said parties of the first part, from time to time, as the work of construction shall progress, the same amount of bonds per mile as hereinbefore provided in respect to the construction of said road to the said first crossing; and all the provisions, conditions and agreements herein contained in respect to the construction of the said road to the said first crossing, so far as the same are applicable, excepting hereinafter otherwise provided, shall apply equally to the construction thereof to the second crossing; and if the said railroad shall be constructed from the first to the second crossing by the parties of the first part as aforesaid, and completed within the period hereinafter mentioned, the said parties of the first part shall thereupon become entitled to receive, from the party of the second part, the same number of acres of land which the said party of the second part shall receive under said acts of congress for the construction of said road from the said first to the said second crossing; and all the provisions hereof in respect to the lands to be received for the construction of said one hundred and five miles, shall apply to the lands to be received for the construction of said railroad from the first to the second crossing.

And it is hereby further declared and agreed, that either party undertaking the construction of said road from the first to the second crossing, shall complete the same within three years from the time of the completion of the said road to the said first crossing.

And it is further understood and agreed, that if the said parties of the first part shall undertake the construction aforesaid, they shall, if the party of the second part shall so elect, construct the said railroad to a point on the northerly side of the Minnesota river, which the said party of the second part shall designate, and which shall not be more than twenty-eight miles distant from the said first crossing, with the same effect, so constructed the same to the said second crossing; provided, such construction to said point be made within the same time and in the same manner as hereinbefore provided in respect to the construction to the said second crossing.

And the said party of the second part further agrees, in consideration aforesaid, that it will not, at any time hereafter, encumber by mortgage or otherwise, the said lands hereinbefore described, and which, by the terms of this agreement, are to be conveyed to the parties of the first part, or as they shall direct.

And the said parties of the first part further agree, that all the expenses of procuring title to such lands, and the expenses of any and all conveyances which shall be made of said lands, shall be paid by the parties of the first part.

In witness whereof, the said parties of the first part have hereunto set their hands and seals, and the said party of the second part has caused its corporate seal to be hereunto annexed, and the same to be attested by the signatures of its president and treasurer, the day and year first above written.

ARTICLES OF CONSOLIDATION.

WISCONSIN & SUPERIOR RAILROAD CO., AND CHICAGO, ST. PAUL & FOND DU LAC RAILROAD CONSOLIDATED.

[On file with Secretary of State.]

Articles of consolidation made and entered into this thirtieth day of March, A. D. one thousand eight hundred and fifty-five, between the Illinois and Wisconsin Railroad Company, a corporation created and existing by and under the authority of the laws of the state of Illinois, for the purpose of constructing, operating and maintaining a railroad in said state, party of the first part, and the Rock River Valley Union Railroad Company, a corporation existing under and by the laws of the state of Wisconsin, for the purpose of constructing, maintaining and operating certain railroads in said state of Wisconsin, of the second part.

WHEREAS, heretofore, that is to say on the twenty-fourth day of March, one thousand eight hundred and fifty-five, all that portion of the said railroad bed, rolling stock, franchises and property of every description of the said Rock River Valley Union Railroad Company described, embraced in a certain indenture of mortgage made by said Rock River Valley Union Railroad Company to Robert J. Walker, bearing date on the ninth day of September, one thousand eight hundred and fifty-one, being all that part of the line of said railroad, from Fond du Lac on Lake Winnebago, to the southern boundary of the state of Wisconsin, together with all the appurtenances, franchises and property of said company, moveable or immoveable, in any way connected under and by virtue of said mortgage to William B. Ogden, of the city of Chicago, and John H. Hicks and Charles C. Walden, of the city of New York, which said purchase of said portion of said railroad and its appurtenances and property at said mortgage sale was made for the benefit and interest of said bond holders, under and by virtue of certain instruments signed by said bond holders, and copies whereof are hereto annexed, and

WHEREAS, the railroads of the said Illinois & Wisconsin Railroad Company, and said Rock River Valley Union Railroad Company, including the said portion of said Rock River Valley Union Railroad, which was purchased as aforesaid by said William B. Ogden, John H. Hicks and Charles C. Walden, connect with each other at the north line of said state of Illinois, and the roads of said companies by said connection form a continuous line of railroad to the full extent of the lines of said respective railroads as the same are authorized by the laws and enactments of the said states of Illinois and Wisconsin, and

WHEREAS, It is desirable that all the lines of railroads and purchases of the said two companies, including as well the portion of said Rock River Valley Union Railroad and its franchises, so as aforesaid purchased at the said sale had under the said mortgage as the portion thereof and of its franchises not embraced in said mortgage and sale, should be consolidated and brought under the management and control of one board of directors; and

WHEREAS, The said William B. Ogden, John H. Hicks and Charles C. Walden, the purchasers aforesaid did, by an instrument in writing, bearing date the twenty-fourth day of March, one thousand eight hundred and fifty-five, a copy of which is hereby duly annexed, executed under their hands and seals, according to the provisions of an act of the legislature of the state of Wisconsin, approved March tenth, one thousand eight hundred and fifty-five, consent that the said board of directors of the said Rock River Valley Union Railroad Company, parties of the second part hereto, should remain in possession of and direct the affairs and control the property of the said company in the same manner as they might or could lawfully do if the sale of said portion of said road and purchases had not taken place; and

WHEREAS, The said parties of the first and second parts have by their re-

spective boards of directors mutually agreed to consolidate their respective capitals with each other and to merge and consolidate the stock of their respective companies, and make one joint stock company of their two railroads and to consolidate the property and stock of the said parties of the first and second parts and their respective corporations, upon the terms and conditions hereinafter stated and declared, which said terms and conditions have been agreed to and approved of by the board of directors of each of the said corporations at meetings duly held of said respective boards, by resolutions duly passed by said boards of directors respectively; and

WHEREAS, The said parties are duly authorized by law to consolidate in the manner hereafter provided.

Now, therefore, these presents witness, That in consideration of the premises, and in consideration of the mutual execution of these presents, the said party of the first part and the said party of the second part, do hereby unite, consolidate and combine all the rights, franchises and privileges which are respectively granted by the enactments, laws and charters of the said states of Illinois and Wisconsin to the said several corporations, including as well the portion of said Rock River Valley Union Railroad and its franchises, so as aforesaid, purchased at the sale had under the said mortgage, as all other, the railroads, rights, franchises and privileges of the said corporations, each of them into one company and corporation, to be hereafter known and designated by the name of The Chicago, St. Paul and Fond du Lac Railroad Company, which said company, as hereby created and consolidated, shall henceforth have and possess all and singular the rights, powers, franchises and immunities which are or have been heretofore by the laws or enactments of said states of Illinois and Wisconsin Railroad Company and said Rock River Valley Union Railroad Company, respectively. And the said party of the first part, hereto doth in consideration of the premises hereby grant, sell, convey, alien, conform, transfer and assign unto the said The Chicago, St. Paul and Fond du Lac Railroad Company, as the same is hereby created and consolidated, all and singular the franchises, corporate privileges, rights, real estate, depot grounds, rights of way, road bed, railroad, iron rails, engines, cars, machinery, rolling stock, debts, dues, demands, choses in action, rights of action and property of every description, name and nature in which said Illinois and Wisconsin Railroad Company has any right, title or interest, whether in possession, reversion or remainder, and the same, together with all appurtenances, shall be from henceforth held, owned, used and controlled by the said The Chicago, St. Paul and Fond du Lac Railroad Company, in all respects as fully and completely, and with the same rights as the same are now held, owned, used and controlled by the said Illinois and Wisconsin Railroad Company, as the same existed prior and up to the time of said consolidation.

And the said party of the second part in consideration of the premises doth hereby grant, bargain, sell, alien, conjoin, convey, transfer and assign unto the said, The Chicago, St. Paul and Fond du Lac Railroad Company, all the corporate, franchises, rights, privileges, real estate, lands, depots, depot grounds, right of way, road bed, railroad iron, rails, engines, cars, machinery, rolling stock, debts, dues, demands, choses in action and rights in action and property of every description, name and nature in or to which said Rock River Valley Union Railroad Company has any right, title or interest, whether in possession or reversion or remainder, and especially does said party of the second part grant, sell, assign, transfer, alien, conjoin and set over to the said, The Chicago, St. Paul and Fond du Lac Railroad Company all and the entire power which has by its act of incorporation, and any and all acts amendatory thereof been conferred upon said Rock River Valley Union Railroad Company to construct and extend its railroad and all branches or extensions thereof, with the intent and meaning, and to the end that the said, The Chicago, St. Paul and Fond du Lac Railroad Company, may construct, operate and complete and maintain any and all railroads which said party of the second part is by said act of incorporation and acts amendatory thereof, authorized or empowered construct and maintain.

And also all stock subscriptions and contracts for the loaning of credit, indorsement or otherwise held by or made with said Rock River Valley Union Railroad Co., or by its agents or ottoorneys, or inturing for its benefit with any

person or with any towns, cities or counties or municipal corporations, and the same together with all appurtenances shall be from henceforth held, owned, used and controlled by the said, The Chicago, St. Paul and Fond du Lac Railroad Company as the same is hereby constituted and consolidated in all respects as fully and completely, and with the same right as the same are now held, owned, used and controlled by the said Rock River Valley Union Railroad Company as the same existed prior and up to the time of said consolidation.

And it is hereby mutually agreed between the parties hereto, that the capital stock of said The Chicago, St. Paul & Fond du Lac Railroad Company, as the same is hereby constituted by said consolidation, shall be and is hereby fixed at the sum of six millions of dollars (with the privilege of increasing the same according to law), which said capital stock shall be divided into shares of one hundred (100) dollars each.

And all the stock which has been issued by said Illinois and Wisconsin Railroad Company, and all the stock which has been issued by said Rock River Valley Union Railroad Company which is now outstanding and held by *bona fide* holders, may be surrendered, and in place thereof there shall be issued to the holder or holders of said stock, or his or their assign or assigns an equal number of shares in the stock of said consolidated company.

And it is further mutually agreed between the parties hereto that all bonds which have been heretofore properly and justly issued by said Illinois & Wisconsin and Rock River Valley Union Railroad Company, and also all just and *bona fide* debts which are owing by either of said corporations, may be converted into the stock of said consolidated Chicago, St. Paul & Fond du Lac Railroad Company, upon the holder or holders of said bonds or debts surrendering to the proper officer of said company the said bonds or evidence of such indebtedness, and giving to said company a full receipt and acquittance for the said bonds or indebtedness so converted into stock: *provided*, that no debts or bonds of said Rock River Valley Union Railroad Company shall be converted into stock as aforesaid until the same shall have been approved in writing by the said William B. Ogden, John H. Hicks and Charles C. Walden, or a majority of them.

And it is further mutually agreed between said parties hereto, that the affairs of the said The Chicago, St. Paul and Fond du Lac Railroad Company as hereby constituted, shall not by anything herein contained, nor by any act to be done by said company in execution hereof, be construed, deemed or taken to have assumed or to be liable for any of the debts of the said Rock River Valley Union Railroad Company, except to the extent and in the manner hereinbefore specially provided.

And it is further mutually agreed between the parties hereto, that the said, The Chicago, St. Paul and Fond du Lac Railroad Company, shall be managed by a board of directors, of not less than seven nor more than fifteen, with a secretary and such other officers, engineers, superintendents and agents as said board of directors shall, from time to time, elect or appoint, and said directors shall be chosen annually by the stockholders of said company, from among themselves, and shall hold their office until successors are chosen.

And the election of directors shall be held the first Tuesday in October, or at such other time, and be held at such place, and conducted in such manner as the by-laws of said company shall direct. But at all elections each stockholder shall be entitled to one vote for every share of stock held by him.

And it is further agreed, that the seal of the said railroad company shall be fixed by a by-law of the said The Chicago, St. Paul and Fond du Lac Railroad Company, and until the same is so fixed, the secretary of said company shall use his private seal as the seal of said company, and the seal so fixed may be altered at any time by said board of directors.

All the books vouchers records and other documents pertaining to the business of said parties of the first and second parts shall be placed in the office of the secretary of said consolidated company, and the same shall be kept and when necessary completed by said secretary or his assistants.

And the said books, records and papers shall be deemed and taken so far as necessary as the records and books of the said consolidated company and said books, records, vouchers and papers shall be subject to the examination and inspection of all persons intrusted therein, who shall have the same

access thereto as if the same had remained in the office of the original company.

And it is further mutually agreed between the parties, hereto that the benefit of all contracts and agreements which have been made and entered into by said Rock River Valley Union Railroad Company, with any and all other Railroad Companies whereby any lease running contract or consolidation has been made or agreed upon, shall inure to and vest in said, The Chicago St. Paul & Fond du Lac Railroad Company as fully and completely as the same has done or might or could do in the said Rock River Valley Union Railroad Company.

And it is further understood and agreed between the parties hereto, that the said consolidated company shall be controlled and managed by the joint board of directors of the said party of the first, and party of the second part acting as a majority of them acting together until the first annual election of directors for said consolidated company, shall have taken place, and the said directors of said two original companies, shall have power while so acting to do any and all acts which could or might be done by the regular elected board of directors of said consolidated company, and shall as soon as may be after this instrument takes effect elect a president, vice-president, secretary and treasurer and executive committee office.

And it is further understood and agreed that these articles of consolidation shall take effect as soon as the same shall be duly executed by all the parties hereto.

And it is further understood and agreed, so much of the capital stock of said The Chicago, St. Paul and Fond du Lac Railroad Company as is required for the purpose of substituting the same for the capital stock of said Illinois and Wisconsin Railroad Company, and of said Rock River Valley Union Railroad Company, which has been justly and properly issued, and is now extant, and also for the bonds and indebtedness of the said companies as is hereinbefore provided shall be issued by said The Chicago, St. Paul and Fond du Lac Railroad Company under the advice and direction of the executive committee as the said original stock certificates and bonds or evidence of indebtedness shall or may be from time to time presented to the said secretary and surrendered to him at his office, and that the balance of said capital stock may be issued from time to time in such manner, and made payable upon said terms and for such consideration as the board of directors shall deem proper.

And it is further agreed, between the parties hereto, that in all cases in which subscriptions or agreements to subscribe for the stock of said Rock River Valley Union Railroad Company has been heretofore made by any person or persons or any city, town, county, municipal corporation, and said subscriptions remain unpaid either in whole or in part, the stock of said consolidated company may be issued to the said subscribers, city, towns, county or corporation in the same manner as said Rock River Valley Union Railroad Company would have been bound to issue its stock had not this consolidation taken place.

In testimony whereof, the Presidents and Secretaries of the said parties of the first and second parts, respectively have hereto set their hands and
[L. S.] affixed the corporate seals of the said companies respectively the day and year first above written.

The Illinois and Wisconsin Railroad Company, by
WM. B. OGDEN, *President.*

A. S. DOWNS, *Secretary.*

The Rock River Valley Union Railroad Company, by
[SEAL.] CHARLES BUTLER, *President.*
J. W. CURRIER, *Secretary.*

STATE OF ILLINOIS—County of Cook—ss.

Be it remembered, that, on this sixth day of June, A. D. one thousand eight hundred and fifty-five, before me, a notary public residing in said county of Cook, duly commissioned by the governor of Illinois to take acknowledgment and proof of deeds and other instruments in writing, under seal, to be used or recorded in said state of Illinois, personally came William B. Ogden,

President of the Illinois & Wisconsin Railroad Company, who is known to me to be the person whose name is subscribed to the foregoing articles of consolidation or agreement, who, being by me duly sworn, deposes and says that he resides in the city of Chicago, in the said county of Cook, that he is President of the Illinois & Wisconsin Railroad Company, that he knows the corporate seal of said company, that the seal affixed to the foregoing instrument of writing is the corporate seal of said company, that it was affixed by order of said company, and he signed his name to said instrument, by like order, as president of said company. And the said William B. Ogden further says, that A. S. Downs, who countersigned said instrument, is the secretary of said company; that he knows the handwriting of said Downs, and that he countersigned the same by order of the said company.

In witness whereof, I have hereunto set my hand, and affixed my
[L. s.] seal of office, this sixth day of June, A. D. 1855.

V. C. TURNER,
Notary Public.

We, the undersigned, being a majority of stockholders in interest of the Illinois and Wisconsin Railroad Company and holding the number of shares set opposite our respective names, do approve of the terms of the consolidation of said company with the Rock River Valley Union Railroad Company as agreed upon by the boards of directors of the respective companies, and we do approve assent and agree to the annexed articles of consolidation bearing date March 30, 1855:

<i>Names and Residence.</i>	<i>Shares.</i>
Daniel Elston, Chicago, Ill.....	206
J. H. Johnson, Woodstock, Ill.....	20
Mahlon D. Ogden, Chicago, Ill.....	100
Geo. W. Page, Chicago, Ill.....	100
Bradley Page, Jr., Chicago, Ill.....	32
Strong Page, Jr., Chicago, Ill.....	1,280
James W. Hicock, Burlington, Vt.....	50
Charles Butler, New York.....	500
Coffin & Haydock, New York.....	403
Daniel S. Miller, New York.....	240
Daniel S. Miller, New York.....	217
Philip Datee, New York.....	201
Philip Datee & Co., New York.....	116
E. D. Litchfield.....	98
Jas. W. Calies.....	104
Waterbury Bank, Waterbury, Ct., by A. S. Chase.....	240
The Bank of Hartford, Hartford, Ct., by A. Gill, Pres't.....	792
Elisha Peck, New York.....	52
W. H. Lyon & Co., New York.....	20
William Jarvis, Middletown, Ct.....	170
The Am. Exchange Bank, New York, by Geo. S. Coe, Cashier.....	336
J. & A. H. Hotchkiss, Hotchkissville, Ct.....	142
Metropolitan Bank, New York, by J. Williams, Vice Pres't.....	295

Copy of the Agreement signed in England.

WHEREAS, It is represented to the bondholders that the Rock River Valley Union Railroad Company of Wisconsin have become seriously embarrassed in their affairs, and are unable to pay their present current liabilities on the interest coupons upon their mortgage bonds, many of which have matured and are now past due, and that many of the bondholders have applied to the Hon. Robert J. Walker, the trustee named in the deed of trust, immediately

to proceed to foreclose said mortgage in the manner provided for in said instrument, and that a very large sum of money has been expended in the construction of said road, which, owing to its present unfinished state, would now sell but for a small portion of its cost, and therefore cause great loss to the present holders of its securities if it was summarily closed up; and

WHEREAS, It is further represented to the undersigned that influential and responsible parties, principally located along the line of said road, who will be benefited by its construction, have come forward and made a large conditional fresh subscription of eight hundred thousand dollars or thereabouts sufficient to insure its completion, the same to be in full force and effect, provided the present mortgage bonds are surrendered, previous to April 1, 1855, and converted into stock at par in the present corporation or in a new organization hereafter to be founded, in case said sale, as recommended, should be made by said trustee, in which event it is further represented the existing corporation would necessarily be forced into liquidation.

Now, therefore, we, the undersigned holders of the first mortgage bonds of the said Rock River Valley, Union Railroad Company, to the amount set opposite our respective names hereto, either as the owners of the same in fee, or as holders of the same as collateral, in trust or otherwise, hereby irrevocably constitute and appoint William B Ogden, Esq., of Chicago, Illinois, and John H. Hicks, Esq., of New York city, to be our agents and attorneys in fact, to act for us, and in our name and stead, and clothe them with authority to attend any sale of the Rock River Valley, Union Railroad, its appendages, appurtenances and effects, whenever the same shall be made under and by virtue of the said first mortgage thereon, given to secure the bonds of the undersigned in common with others secured by said mortgage, and hereby authorize them for us, and in our names, or in the names of either of them, or in the name of such party as we may hereafter appoint to bid for and purchase at such sale, the said board, if they shall think best so to do, together with its rights of way, depots and depot grounds, and all its appurtenances, appendages and effects, including its rails, cars, tools, machinery, and all its lands, property and estate, real and personal or mixed, named in or secured said mortgage, and our said agent or agents, acting for us in this behalf, at any such sale, may bid to such an amount, in their discretion, for the said property, as they shall think best and proper, but always upon the express understanding and condition that none of the undersigned shall be made or in any way considered to be liable for any amount of money whatever, except as after mentioned in regard to expenses for such bid or bids, or purchase by our said agent or agents aforesaid; but shall be liable only to convert the bonds set opposite our respective names hereto, and accrued interest thereon into stock after said sale.

We hereby, accordingly, each for himself and not one for the other, respectively agree that we will receive from our said agents or attorneys, or from other parties who may be authorized to issue the same under the existing or any future organization which shall be made of said company, its road, property and interest subsequent to and in pursuant of such sale and purchase by our said agents or attorneys as aforesaid, full paid up stock of the same at par, to the full amount of the bonds set opposite our respective names hereto, and the interest thereon. And we hereby further authorize our said attorneys acting in this behalf, to issue or cause and obtain from the proper source and authority the issue of like stock at par to any and all other bona fide bond holders, stock holders and just creditors at the time of the said sale of the Rock River Valley Union Railroad to the full amount of their respective bonds and stock, and likewise for the full amount of all claims and demands or to such lesser amount of the latter as they shall respectively deem them to be justly and equitably entitled to as creditors of said company, upon receiving from them respectively in return the surrender and cancelment of all such bonds, stock and demands.

In case any of said bond holders, not parties hereto, shall fail to agree to such surrender and conversion of their bonds into stock previous to said sale, it shall then be optional with our said agents or attorneys to give certificates of stock therefor, if applied for in exchange for such bonds, or to pay to such bond holders their pro rata proportion of the proceeds of such sale in cash.

Upon any purchase made by our agents or attorneys at such sale, under

the mortgage aforesaid, they shall immediately report to us, or to those representing us, the cost of such purchase, and the portion and amount thereof required to be paid in money to other bondholders secured by said mortgage and not parties hereto; and each of the undersigned bondholders respectively shall have the option to advance *pro rata* any money to be paid to said bondholders not parties hereto, in proportion as the number of bonds hereto subscribed by him shall bear to the whole number hereto subscribed, and stock to the amount of the bonds and interest so retired and cancelled by the quota of money furnished by any party hereto, shall thereafter be issued to such party in the same way as hereinbefore provided, on bonds hereto subscribed.

The payment being made by the bondholders parties hereto to the bondholders not parties hereto, shall be at once, and without delay, and on the time required in which to make payment for the said purchase.

In case one or more of the parties hereto shall decline or fail to furnish his quota of money promptly, and in time to complete such purchase, the same agents or attorneys purchasing, may furnish and pay the same for their own account and benefit, and stock shall thereafter be taken by them or their assigns in like manner and to like amount as if such money had been furnished by a party or parties hereto.

The undersigned further agree, each for himself, and not one for the other, to furnish his quota of the money necessary to defray the expenses and charges incurred in said sale and attendant upon the issue of stock and the full carrying out of the arrangements herein proposed.

In testimony whereof witness the signatures of the undersigned, this 26th day of February, 1855.

Bonds, \$1,000 each.

Witness Geo. Hardy, 22 Queen street London; Thompson & Yeoman . . .	195
James Burry, 8 Alchurch Lane; John B. Elin.....	10
Same; John Edw. Lake	5
Same; Chas. John Pleasance.....	29
Same; W. R. Price & Pott	2
Same; Thomas Clarke.....	16
Same; Richard Watts	2
James Thompson, 7 Alchurch Lane; Henry Pott.....	2
James Milliam, 56 Kings street, Jersey; Wm. Blackwell [Seal]..	5
Ed. W. Ede, 54 North street, Guildford; Jane More Shull [Seal].	3
J. Thompson, 8 Alchurch Lane; Hall Plumer.....	8
J. W. Hichok; Elisha Peck, N. Y.....	103
Same; Bradley, M., Vermont.....	209
Same; John Bradley.....	84

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WHEREAS, It is represented to the bondholders that the Rock River Valley Union Railroad Company of Wisconsin have become seriously embarrassed in their affairs, and are unable to pay their present current liabilities or the interest coupons upon the mortgage bonds, many of which have matured and are now past due, and that many of the holders have applied to the Hon. Robert J. Walker, the trustee named in the deed of trust, immediately to proceed to foreclose said mortgage in the manner provided for in said instrument, and that a very large sum of money has been expended in the construction of said road, which, owing to its present unfinished state, would now sell but for a small portion of its cost, and therefore cause great loss to the present holders of its securities, if it was summarily closed up; and whereas it is further represented to the undersigned that influential and responsible parties, principally located along the line of said road, who will be benefited by its construction, have come forward and made a large conditional fresh subscription of eight hundred thousand dollars, or thereabouts, sufficient to insure its completion, the same to be in full force and effect, provided the present mortgage bonds are surrendered previous to April 1, 1855, and converted into stock at par in the present corporation, or in a new organization hereafter to be formed

in case said sale as recommended, should be made by said trustee, in which event it is further represented the existing corporation would necessarily be forced into liquidation.

Now, therefore, we the undersigned, holders of the first mortgage bonds of the said Rock River Valley Union Railroad Company, to the amount set opposite our respective names, hereby, either as the owners of the same in fee, or as holders of the same as collateral, in trust or otherwise, hereby irrevocably constitute and appoint W. B. Ogden, Esq., of Chicago, Illinois, John H. Hicks, Esq., of New York City, and Charles C. Walden, Esq., of New York City, their survivors or survivor, to be our agents and attorneys in fact, to act for us and in our name and stead, and clothe them with authority to attend any sale of the Rock River Valley Union Railroad, its appendages, appurtenances and effects whenever the same shall be made under and by virtue of the said first mortgage thereon, given to secure the bonds of the undersigned in common with others secured by said mortgage, and hereby authorize them for us, and in our names, or in the names of either of them, or in the name of such party as we may hereafter appoint to bid for and purchase at such sale, the said road, if they shall think best so to do, together with its right of way, depots and depot grounds, and all its appurtenances, appendages and effects, including its rails, cars, tools, machinery, and all its lands, property and estate, real, personal or mixed, named in or secured by said mortgage; and our said agent or agents, acting for us in this behalf at any such sale, may bid to such an amount in their discretion for the said property as they shall think best and proper, but always upon the express understanding and condition that none of the undersigned shall be made, or in any way construed to be liable for the amount of such bid or bids or purchase by our said agent or agents aforesaid, to any extent exceeding the amount of the bonds set opposite our respective names hereto, and accrued interest to January 1, 1855.

We hereby, each for himself, and not one for the other, respectively agree that we will receive from our said agents or attorneys, or from other parties who may be authorized to issue the same, under the existing or any future organization which shall be made of said company, its road, property and interest subsequent to, and in pursuance of such sale and purchase by our agents or attorneys as aforesaid, their survivors or survivor, full paid stock of the same at par, to the full amount of the bonds set opposite our respective names hereto, and the interest thereon.

And we hereby further authorize our said attorneys, acting in this behalf, to issue, or cause and obtain from the proper source and authority, the issue of like stock at par to any and all other *bona fide* bondholders, stockholders and just creditors at the time of the said sale of the Rock River Valley Union Railroad, the full amount of their respective bonds and stock, and likewise for the full amount of all claims and demands, or to such lesser amount of the latter as they shall respectively deem them to be justly and equitably entitled to as creditors of said company, upon receiving from them respectively, in return, the surrender and cancelment of all such bonds, stock and demands.

And the better to protect all parties who in aid of said Rock River Valley Union Railroad Company have heretofore become *bona fide* endorsers or sureties in good faith, of the unpaid liabilities of said company,

It is further agreed, That in all cases where such endorsers or surety shall surrender all the bonds, stocks or other collaterals of said company, or in which said company is interested, and which have been pledged for the payment of such obligations, or cause the same to be surrendered to our said agents or attorneys acting for us, before the sale under said mortgage above referred to, our said agents or attorneys, are authorized and required under the new organization of said road and property after such sale, to issue or cause or obtain to be issued, to the proper parties, stock of the same, to the amount of bonds thus surrendered as collateral to their debt connected with such endorsement, together with new bonds of said company, under and immediately after such new organization, for the amount of such debt, payable in not less than twelve nor more than twenty-four months from the date thereof, with seven per cent. interest per annum, payable semi-annually; and upon the payment of said bonds and interest, the above mentioned stock shall

be re-delivered to said company. Which stock thus issued as collateral shall be deposited in the custody of the cashier of the Metropolitan Bank, in the city of New York, there to remain until the expiration of the time of payment fixed in said new bonds; and so far as said new bonds, or any portion, may then remain unpaid, said stock, or so much thereof as may be necessary, shall be sold at public auction in the city of New York, on thirty days' previous notice, on demand by said bondholders respectively, the proceeds to be applied towards the payment of said bonds; and any surplus, to be paid over to said agents for said company; but should there be any deficiency, said bonds, to the extent of such deficiency, shall remain as a debt against said company. In case any of said bondholders not parties hereto, shall fail to agree to such surrender and conversion of their bonds into stock previous to said sale, it shall then be optional with our said agents and attorneys, to give certificates of stock therefor, if applied for in exchange for such bonds, or to pay to such bondholders their *pro rata* proportion of the proceeds of such sale in cash.

Upon any purchase made by our agents or attorneys at such sale under the mortgage aforesaid, they shall immediately report to us or to those representing us, the cost of such purchase, and the portion and amount thereof required to be paid in money to other bondholders secured by said mortgage and not parties hereto. And each of the undersigned bondholders, respectively for himself and not jointly with others, reserves the right at once and without delay and in the time specified to make payment for such purchase, to furnish his respective quota of such money so required to be paid said bondholders, in proportion as the number of bonds hereto subscribed by him shall bear to the whole number hereto subscribed; and stock to the amount of the bonds and interest so retired and cancelled by the quota of money furnished by any party hereto, shall therefore be issued to such party in the same way as hereinbefore provided on bonds hereto subscribed.

In case one or more of the parties hereto shall decline or fail to furnish his quota of money promptly and in time to complete such purchase, the same agents or attorneys purchasing may furnish and pay the same for their own account and benefit, and stock shall thereafter be taken by them or their assigns in like manner and to like amount as if such money had been furnished by a party or parties hereto.

The undersigned further agree, each for himself and not one for the other, to furnish his quota of money necessary to defray the expenses and charges incurred in said sale, and attendant upon the issue of stock and the full carrying out of the arrangements herein proposed. In testimony whereof, witness the signatures of the undersigned, this fifteenth day of January, 1855:

Witness to Signature.	Jan. 15, 1855.—Signature of Holders.	No. of Bonds.	Amount.
J. W. Currier.....	Bradley & Co.....	248	\$248,000
J. W. Currier.....	Woodbury B'k, by D. Curtis, Pres.	60	60,000
James A. Young....	Rich. Pitts, per W. Currier, Att'y..	18	18,000
James A. Young....	Adolphus Davis, per W. W., Att'y.	1	1,000
James A. Young ...	Allen & Anderso, per Waid & Bro.	42	42,000
James A. Young....	G. S. Cumsuth	18	18,000
J. W. Currier.....	R. S. Walker	106	106,000
J. B. Doe.....	A. Hyatt Smith.....	80	80,000
J. W. Currier.....	J. B. Doe.....	2	2,000
J. W. Currier.....	J. W. Hull	8	8,000
J. W. Currier.....	Waterbury B'k, by J. P. Elton, Pr.	9	9,000
J. W. Currier.....	Orange Bank N. J., by W. K. Vennylve Bro.....	20	20,000
J. W. Currier.....	Am. Car Co., J. Dwight, Pres.....	25	25,000
J. W. Currier.....	Raymond & Fullerton.....	15	15,000
	Talcott & Co.....	8	8,000
	Total.....	600	\$600,000

WHEREAS, The undersigned, as agents for the bondholders of the Rock River Valley Union Railroad, have, at public sale at Janesville, on the 24th of March, 1855, purchased the said Rock River Valley Union Railroad, together with all its property and effects, real and personal or mixed; and

WHEREAS, By a recent act of the legislature of the state of Wisconsin, the said purchasers are authorized and empowered to continue the present (viz, at the date of the passage of said act) board of directors of the said Rock River Valley Union Railroad Company in office as directors, and to confer on them the power to contract and manage the said railroad property and effects purchased at said sale, and to exercise the franchises of the said railroad as granted by charter.

Now, therefore, We, the undersigned purchasers (as agents as aforesaid), in so far as the power so to do is conferred on us by law, do hereby authorize the said board of directors, viz:

Wm. B. Ogden of Chicago.
 Henry Smith of Chicago.
 Daniel Beamard of Chicago.
 Charles Butler of New York.
 J. W. Hickok of Burlington, Vt.
 Wm. Jarvis, Middletown, Ct.
 John Wooster of Boston.
 J. B. Doe of Janesville, Wis.
 J. A. Wood of Janesville, Wis.
 L. P. Harvey of Shopiere, Wis.
 Milo Jones of Fort Atkinson, Wis.
 Alonzo Wing of Jefferson, Wis.
 D. Lovejoy, Cooktown, Wis.
 A. G. Buttes, Fond du Lac, Wis.
 Geo. P. Delaplaine, Madison, Wis.

To control and manage the said railroad property and franchises purchased by us at said public sale, and to exercise severally and jointly the office and all the powers of directors in respect to the said railroad property and franchise so by us purchased at said sale, in as full a manner as the said board of directors have heretofore been authorized by charter, severally and jointly to exercise the office and powers of directors of the said Rock River Valley Union Railroad Company.

In testimony of the above, we have hereunto affixed our hands and seals this 24th day of March, A. D. 1855.

W. B. OGDEN, [SEAL]
 JOHN H. HICKS, [SEAL]
 C. C. WALDEN, [SEAL]

We hereby certify that the Illinois and Wisconsin Railroad Company of the state of Illinois, and the Rock River Valley Union Railroad Company of the state of Wisconsin, have been consolidated together into one company and corporation, under the name of *The Chicago, St. Paul and Fond du Lac Railroad Company*, pursuant to the laws of the said states of Illinois and Wisconsin, and that the foregoing is a true copy of the article of consolidation agreed upon by the respective companies and duly executed by the respective Presidents and Secretaries thereof, under their corporate seal.

Dated at New York, this thirtieth day of April, A. D. one thousand eight hundred and fifty five.

[SEAL.]

WM. B. OGDEN,

President of the Illinois and Wisconsin Railroad Company.

Attest: A. S. DOWNS, *Secretary I. & W. R. R. Co.*

[SEAL.]

CHARLES BUTLER,

President of the Rock River Valley Union Railroad Company, by

J. W. CURRIER, *Secretary.*

STATE, CITY AND COUNTY OF NEW YORK—ss.

On this 27th day of June, 1855, before me, a notary public and commissioner of deeds, in and for said state and county, personally came Charles Butler, President of the Rock River Valley Union Railroad Company, who is known to me to be the person who subscribed to the foregoing certificate, who being by me duly sworn, says that he resides in the city of New York; that he is the President of the Rock River Valley Union Railroad Company; that he knows the corporate seal of said company; the seal affixed to the foregoing instrument of writing is the corporate seal of said company; that it was affixed by order of said company, and he signed his name to said instrument by like order, as president of said company; and he further says, that J. W. Currier, who countersigned said instrument, is the secretary of said company; that he knows the hand writing of said Currier, and that he countersigned the same by order of said company, and said instrument is proved in due form of law.

Witness my hand and official seal.

[SEAL.]

JOHN BISSELL,
Notary Public and Commissioner of Deeds.

STATE OF ILLINOIS—Cook County—city of Chicago—ss.

I, W. W. Stewart, a commissioner for the state, and resident in the city of Chicago, legally appointed by the Governor of Wisconsin to take testimony, acknowledgments, etc., etc., to be used as records in that state, and qualified, under my hand and official seal, certify that on this second day of July, A. D. 1855, before me personally appeared W. B. Ogden, to me personally known, who being by me duly sworn, said that he resides in the city of Chicago, that he is the President of the Illinois and Wisconsin Railroad Company, that the seal affixed to the annexed instrument is the common and corporate seal of the said company, and was affixed thereto by authority, and that he, as President, and A. S. Downs, as Secretary of said company, subscribed their names thereto by the like authority and by order of said company, and that said Downs is such Secretary.

[SEAL.]

WM. WALLACE STEWART,
Commissioner for Wisconsin.

WISCONSIN & SUPERIOR RAILROAD CO., AND CHICAGO, ST.
PAUL & FOND DU LAC RAILROAD CO. CONSOLIDATED.

[Vol. 1. page 212. L. March 7.]

Articles of consolidation made this fifth day of March, 1857, by and between the Chicago, St. Paul and Fond du Lac Railroad Company, a corporation for railroad purposes, created and existing under and by virtue of the laws of the states of Illinois and Wisconsin, and by virtue of the consolidation heretofore made pursuant to law, between the Illinois and Wisconsin Railroad Company of said states of Illinois and the Rock River Valley Union Railroad Company of the state of Wisconsin, party of the first part, and the Wisconsin and Superior Railroad Company, party of the second part, witnesseth:

WHEREAS, The board of directors of said party of the first part, did, at a meeting held in the city of Chicago, on the fifth day of March, 1857, adopt a resolution, of which the following is a copy:

Resolved, That this company will consolidate, and does surely agree to consolidate its capital stock and corporate rights, property and franchises of the Wisconsin and Superior Railroad Company with its branch or branches, a corporation created by the laws of the state of Wisconsin, and it is surely declared that the said companies will be consolidated into one corporation and company under the corporate name of the Chicago, St. Paul and Fond du

Lac Railroad Company, upon the following terms and conditions, agreed upon by the board of directors of said companies respectively, to wit:

The full paid stock of both companies, respectively, shall be both taken, and be deemed to be equal in value, the one with the other, and the part paid stock and subscriptions, which shall be and are surely taken and deemed in both companies, respectively, to be of equal value in proportion to the amount paid, the one with the other, and are surely placed upon a par, dollar for dollar. Each and every obligation and liability assumed and agreed to, either by The Chicago, St. Paul and Fond du Lac Railroad Company, or the Wisconsin and Superior Railroad Company, shall be sacredly discharged, fulfilled and observed by the consolidated companies hereby created, and each and every of the acts, assumptions, proceedings, resolutions and doings of the respective boards of directors of said two companies and of their authorized agents, officers and committees shall be and the same are hereby ratified, confirmed and made valid, and shall be observed by the consolidated company hereby created.

In every other respect, except as herein specified, the terms and conditions of this consolidation are to be that of perfect equality, and according to and in pursuance of the requirements and specifications contained in the laws of the states of Wisconsin and Illinois. The number of the directors of the consolidated company, to be elected, is to be fixed by the joint board of directors after consolidation, and the first election of such directors shall be held on the first Tuesday of October, 1857. But until a new board of directors shall have been so elected, the business of said consolidated company shall be conducted, managed and carried on by the two boards of directors of said company, jointly acting as the board of directors of said consolidated companies. A director in both boards to have two votes in said joint board. The corporate seal is to be that of the Chicago, St. Paul and Fond du Lac Railroad company until otherwise ordered.

And when the Wisconsin and Superior Railroad Company shall have passed a resolution similar to the above, then the president of this company is hereby authorized to execute an instrument in writing, agreeing with the Wisconsin and Superior Railroad Company, to the foregoing in substance as articles of consolidation. The consolidation to be in full force and effect when said articles of consolidation are so executed; and,

WHEREAS, The board of directors of said party of the second part did, at a meeting duly held in the city of Chicago, on the fifth day of March, 1857, adopt a resolution, of which the following is a copy:

Resolved, That this company will consolidate, and does hereby agree to consolidate its capital stock and corporate rights, property and franchises with the capital stock, corporate rights, property and franchises of the Chicago, St. Paul & Fond du Lac Railroad Company, a corporation created by the laws of the states of Wisconsin and Illinois; and it is hereby declared that said companies will be consolidated into one corporation and company under the corporate name of "The Chicago, St. Paul & Fond du Lac Railroad Company," upon the following terms and conditions agreed upon by the board of directors of said companies, respectively, to wit: The full paid stock of both companies, respectively, shall be both taken and deemed to be equal in value the one with the other, and the part paid stock and subscriptions that shall be and are hereby taken and deemed in both companies respectively, to be of equal value in proportion to the amount paid the one with the other, and are hereby placed on a par, dollar for dollar.

Each and every obligation and liability assured and agreed to either by the Chicago, St. Paul & Fond du Lac Railroad Company, or the Wisconsin & Superior Railroad Company, shall be sacredly discharged, fulfilled and observed by the consolidated company hereby created, and each and every of the acts, assumptions, proceedings, resolutions and doings of the respective boards of directors of said two companies, and of their authorized agents, officers and committees, shall be and the same are hereby ratified, confirmed, and made valid, and shall be observed by the consolidated company hereby created.

In every other respect, except as herein specified, the terms and conditions of this consolidation are to be those of perfect equality and according to and

in pursuance of the requirements and specifications contained in the laws of the states of Wisconsin and Illinois.

The number of directors of the consolidated company to be elected is to be fixed by the joint boards of directors after consolidation, and the first election of such directors shall be held on the first Tuesday of October, 1857; but, until a new board of directors shall have been so elected, the business of said consolidated company shall be conducted, managed and carried on by the two boards of directors of said companies jointly acting as the board of directors of said consolidated company. A director in both boards to have two votes in said joint board. The corporate seal is to be that of the Chicago, St. Paul & Fond du Lac Railroad Company until otherwise ordered.

And when the Chicago, St. Paul & Fond du Lac Railroad Company shall have passed a resolution similar to the above, then the Vice President of this company is hereby authorized to execute an instrument in writing agreeing with the Chicago, St. Paul & Fond du Lac Railroad Company to the foregoing in substance as articles of consolidation. The consolidation to be of full force and effect when said articles of consolidation are so executed.

Now, therefore, in conformity with the foregoing resolutions, the said Chicago, St. Paul & Fond du Lac Railroad Company party of the first part, and the said Wisconsin & Superior Railroad Company party of the second part, doth hereby combine and consolidate the said two companies, with their and each of their capital stock, franchises, property and rights of every name and nature, into one company and corporation, to be called and known by the corporate name and style of the Chicago, St. Paul & Fond du Lac Railroad Company, which said consolidated company shall from henceforth have and possess all the rights, franchises, powers and immunities which are or have been granted to or conferred upon either of said parties hereto by the laws and enactments of said states of Illinois and Wisconsin respectively.

And the said party of the first part doth hereby grant, convey, assign, set over and vest in said consolidated company for the purposes of such consolidation, all the rights, privileges, immunities, franchises, powers, capital stock, and all the lands and rights to lands and property, real, personal and mixed, and all actions and rights of action of every name and nature, now held, owned or controlled by said party of the first part, or in or to which said party of the first part hath any right, title, interest or claim either in law or equity.

And said party of the second, for the purposes of such consolidation, doth hereby grant, convey, transfer, assign, set over to and vest in said consolidated company all the rights, privileges, immunities, franchises, powers, capital stock, and all the lands and rights to lands by, through or under any and all laws and enactments which have been, or may hereafter be passed by congress or the legislature of said state of Wisconsin, and all property, real, personal and mixed, and all actions and rights of action of every name and nature, now held, owned or controlled by said second party, or in or to which said second party have any rights, title or interest either in law or equity.

In testimony whereof, the President and Assistant Secretary of the said party of the first part, and the Vice President and Secretary of the party of the second part, have hereunto set their hands and affixed the seals of the said companies respectively, the day and year first above written.

The Chicago, St. Paul and Fond du Lac R. R. Co., by
W. B. OGDEN, *President.*

Attest: J. B. REDFIELD, *Assistant Secretary.*

The Wisconsin and Superior R. R. Co., by
N. K. WHEELER, *Vice President.*

Attest: J. B. BIGELOW, *Secretary.*

We certify that the Chicago, St. Paul and Fond du Lac Railroad Company, and the Wisconsin and Superior Railroad Company have consolidated together into one company and corporation, under the corporate name of "The Chicago, St. Paul and Fond du Lac Railroad Company, pursuant to the laws

of the states of Illinois and Wisconsin, and that the foregoing are the articles of such consolidation.

W. B. OGDEN,
*President of the Chicago, St. Paul and Fond du Lac Railroad Company,
and of the Wisconsin and Superior Railroad Company.*

N. K. WHEELER,
Vice President of the Wisconsin and Superior Railroad Company.

J. B. Bigelow, Secretary of said Wisconsin and Superior Railroad Company, hereby certifies that the stockholders representing a majority of the capital stock of said company, have consented to the foregoing articles of consolidation.

Witness my hand and the seal of said Wisconsin and Superior Railroad Company, this ninth day of April, A. D. 1857.

J. B. BIGELOW,
Secretary.

Filed 18th of April, 1857. Recorded May 8th.

LA CROSSE AND MILWAUKEE RAILROAD COMPANY AND ST. CROIX AND LAKE SUPERIOR RAILROAD COMPANY.

CONTRACT.

This indenture made and executed this tenth day of March, in the year of our Lord one thousand eight hundred and fifty seven, by and between the La Crosse and Milwaukee Railroad Company, party of the first part, and the St. Croix and Lake Superior Railroad Company party of the second part,

Witnesseth, That the said party of the first part in pursuance of authority granted in the 8th section of an act of the legislature of the state of Wisconsin, entitled an act to incorporate the La Crosse and Milwaukee Railroad Company, approved April 2, 1852, in the words following to wit: The said company shall have the power to purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad, or any of its branches to be built or owned by this company, and also in pursuance of further authority granted in the 1st section of an act of said legislature, approved October 11, 1856, entitled an act to grant certain lands to the La Crosse and Milwaukee Railroad Company, and to execute the trust created by an act of congress entitled an act granting public lands to the state of Wisconsin to aid in the construction of railroads in said state, approved June 3, 1856 in the words following to wit: The La Crosse and Milwaukee Railroad Company is hereby authorized and empowered to have, possess, exercise, and enjoy the same right, privileges, franchises, authority and immunities with reference to the said routes, or any railroad to be built thereon as it now possesses or enjoys with reference to any route it is now authorized to occupy, or any railroad building or to be built thereon, and there is hereby conferred upon the La Crosse and Milwaukee Railroad Company all the power and authority contained in the charter of said company, and in the acts amendatory thereof for the purpose of carrying out the objects of this act, and of appropriating and applying the lands hereinafter in this act granted, or their proceeds, to aid in the construction of railroads by this act authorized to be built; and also in pursuance of further authority granted in the 2d section of an act of the said legislature, approved March 5, 1857, entitled an act to amend an act to incorporate the St. Croix and Lake Superior Railroad Company, approved February 24, 1853, in the following words to wit.

It shall be lawful for the said company to receive, and for the La Crosse and Milwaukee Railroad Company to grant and convey to the said St. Croix

and Lake Superior Railroad Company all the rights, title and interest of the said La Crosse and Milwaukee Railroad Company in and to that portion of the lands, or any part thereof, heretofore granted to the said La Crosse and Milwaukee Railroad Company, which lies north of the point or place where the road of the said last mentioned company shall intersect the St. Croix lake or river, or other point which may be determined upon by the said last mentioned company, or such portion of said lands as said company may agree, and whenever such conveyance shall be made the said St. Croix and Lake Superior Railroad Company shall possess all the rights, powers and privileges in regard to the construction of said road from the point so determined, and to the west end of Lake Superior and to Bayfield and in regard to the application and disposal of said land, or any part thereof, and in regard to the running of said portion of said road, and shall be subject to the same liabilities, duties, conditions and restrictions and the payment of the same amount of percentage upon the gross earnings of said road which are conferred or imposed upon or required of the said La Crosse and Milwaukee Railroad Company, or to which said last named company was subjected by an act approved October 11, 1856, entitled "an act to grant certain lands to the La Crosse and Milwaukee Railroad Company, and to execute the trust created by an act of congress, entitled an act granting certain lands to the state of Wisconsin to aid in the construction of railroads in said state, approved June 8, '56, and so far as such portion of said railroad is concerned, the said La Crosse and Milwaukee Railroad Company shall be from the date of such conveyance exonerated and released from said liabilities and duties. And in consideration of the covenants and agreements on the part of the said party of the second part hereinafter contained, to be by it kept and performed and of the sum of one dollar paid by the said party of the second part to the said party of the first part, the receipt whereof is hereby acknowledged, does hereby bargain, sell, release, convey, assign, set over, and forever quit claim to the said party of the second part all of the estate real, personal and mixed, embraced and described in a certain indenture made and executed in duplicate on the nineteenth day of February, one thousand eight hundred and fifty-seven, between the Saint Croix and Lake Superior Railroad Company, party of the first part, and the La Crosse and Milwaukee Railroad Company, party of the second part, one copy of which is on file in the office of each of said companies, bearing date the day and year last aforesaid and executed by the said Saint Croix and Lake Superior Railroad Company by the signature of William A. Barstow, President, and Edward M. Hunter, Secretary, and the corporate seal of said St. Croix and Lake Superior Railroad Company affixed thereto, and acknowledged on the 20th day of February, 1857, before Alexander T. Gray, Notary Public, in which indenture for a more perfect description of the said estate, real, personal and mixed, therein embraced and described, reference is hereby made and had, and also all of that portion and route of a certain railroad authorized by the aforesaid act of the legislature, approved October 11, 1856, to be built by the said party of the first part, lying and between such points on the St. Croix river or lake, between townships twenty-five and thirty-one, as shall be designated by said party of the first part, and the west end of Lake Superior, and from any point on the said last aforesaid route to Bayfield, together with all the power to survey, locate and construct, complete, perpetually to have, use, maintain and operate railroads with one or more tracks or lines thereon, and to have, possess, exercise and enjoy all the rights, privileges, functions, franchises, authority and immunities with reference to the said routes or any railroad to be built thereon by the said party of the second part, which now belongs to the said party of the first part, and of having, appropriating and applying the lands hereinafter described and granted, or their proceeds to aid in the construction of said railroads which are conferred upon the said party of the first part by the act of the legislature aforesaid, provided, that the said land and the proceeds thereof shall be applied exclusively on the construction of that part of said roads within the limits herein stated, and shall be applied to no other purpose whatever. And the said party of the first part, for the consideration aforesaid, does hereby sell and convey to the said party of the second part all the interest of the said party of the first part in and to every alternate section of land designated by odd numbers, for six sections in width on each side of said road from the point

aforesaid on the Saint Croix river or lake to the west end of Lake Superior, and from any point on said last aforesaid route to Bayfield, together with such lands within fifteen miles of the line or route of said road or roads as shall be selected in pursuance of said act of congress in lieu of any sections or parts of sections which shall have been sold by the United States to which the right of pre-emption has attached. But it is hereby expressly understood between the parties hereto, that the said La Crosse and Milwaukee Railroad Company possesses and does not surrender or release the right of selecting any lands within fifteen miles of and more than six miles from the route of the said road or roads between the St. Croix river or lake and the west end of Lake Superior; and, also, between the said route and Bayfield, for the purpose of making up any deficiency which does or may exist in the quantity of lands to which the said La Crosse and Milwaukee Railroad Company is or may be entitled upon that point of its line extending from Madison to the St. Croix river or lake.

And the said party of the second part hereby covenants and agrees to construct said railroads between the points to be designated by the party of the first part as aforesaid, and the west end of Lake Superior and to Bayfield, within ten years from the 3d day of June, 1856, and said roads are to be of the first class, with T rail, and in every respect as good as the La Crosse & Milwaukee Railroad.

And the said party of the first part, in consideration as aforesaid, further covenants and agrees to construct and run its entire line of railroads to a point on the St. Croix river or lake, to be designated as aforesaid by said party of the first part, or to some convenient point easterly therefrom, so as to connect with a railroad from such point on the St. Croix river or lake to the west end of Lake Superior, and so as to make a terminus thereof at the point as aforesaid on the St. Croix river or lake.

And the said party of the second part for, and in consideration of the covenants and agreements, herein contained, on the part of the said party of the first part, has sold and granted, and does hereby sell, grant, assure and confirm unto the said party of the first part, free of all costs, charges and compensations, the full and equal right forever of so much of its line of railroad as shall extend easterly from said terminal point on the St. Croix river or lake to the aforesaid point of intersection to enable the said party of the first part to make a terminus of its railroad at the point as aforesaid on the St. Croix river or lake.

And the said party of the second part, in consideration as aforesaid, does further covenant and agree, to and with the party of the first part, that it will pay to the state of Wisconsin, on or before the first day of March in each year, four per centum of the gross earnings of said road in the year ending on the last day of the preceding December, in place of taxes on that part of said railroad hereby conveyed, as is provided by the acts of the legislature aforesaid, and also carry on, perform and obey all and singular the conditions, obligations and resolutions expressed or implied in any acts of the legislature aforesaid which has been passed and which would be binding upon the said party of the first part to do and perform, so far as the said railroad, from a point as aforesaid, on the St. Croix river or lake, between townships twenty-five and thirty-one, to the west end of Lake Superior; and, also, from any point on said last aforesaid route to Bayfield may be referred to or concerned in the acts aforesaid, as if this deed of indenture had not been executed; and at all times the proper officers and agents of the state of Wisconsin shall have free access to, and the right of examining the books of the said party of the second part for the purpose of ascertaining the gross amount of earnings of the roads of the said party of the second part, and the amount of money to be paid to the state of Wisconsin in accordance with the acts of the legislature aforesaid. And, for securing to the state the aforesaid per centum, it is hereby declared that the state shall have a lien upon the said railroad within the limits aforesaid, and upon all other property, estate and effects of the said party of the second part, whether real, personal or mixed, and said lien shall take and have precedence of all demands, decrees and judgments against said party of the second part.

And the said parties hereto mutually covenant and agree, that they will form running connections with each other, and such as will best promote, as

far as possible, their mutual interest, and that in case either of said parties will enter into any contract or agreement with any other railroad or other company, or person or persons engaged in the business of transportation of persons or property, which would come into competition with the interest of the other of the said parties hereto, without the assent, in writing, of the party to be affected thereby. And further, it is mutually agreed that said party of the second part shall not sell, convey, lease or let to any party whatever, without the consent of the said party of the first part, or of the legislature, the whole or any part of said railroad, nor in any manner alienate the same, except that the same may be placed under mortgage, with the stipulations usual in such cases, for the purpose of raising funds wherewith to construct the said railroad, and to provide the necessary buildings and equipments therefor.

In witness whereof, the said parties who executed these presents in pursuance of resolutions adopted by the respective boards of directors, by the signatures of their respective Presidents and Secretaries, and the affixing the seals of said companies respectively, the day and year above written.

[SEAL]

BYRON KILBOURN,

President of the La Crosse and Milwaukee R. R. Co.

Attest: EDWIN H. GOODRICH, *Sec'y of the La Crosse & Mil. R. R. Co.*

SAMUEL BROWN,

President of the St. Croix and Lake Superior R. R. Co.

Attest: HENRY P. HATMAKER, *Secretary of the St. Croix & L. S. R. R. Co.*

STATE OF WISCONSIN—County of Milwaukee—ss.

Be it remembered, that on this eleventh day of March, A. D. 1857, personally appeared before me Byron Kilbourn, President, and Edwin H. Goodrich, Secretary of the La Crosse and Milwaukee Railroad company, and Samuel Brown and Henry P. Hatmaker, President and Secretary of the St. Croix and Lake Superior Railroad Company, to me known to be the individuals who executed the above instrument, and acknowledged the same on behalf of, and as the acts and deeds of the said railroad companies for the uses and purposes therein mentioned, freely and voluntarily.

JOHN McCULLOUGH,
Notary Public in Milwaukee Co.

Recorded Nov. 19, 1857—8 o'clock A. M.

ONTONAGON AND STATE LINE R. R. COMPANY, AND CHICAGO
ST. PAUL AND FUND DU LAC R. R. COMPANY.

CONSOLIDATION.

Articles of agreement, made and entered into this 27th day of March, A. D. 1857, between the Chicago, St. Paul and Fond du Lac Railroad Company, a corporation created and existing under the laws of the state of Illinois and Wisconsin, and by consolidation with the Wisconsin and Superior Railroad Company, and the Marquette and State Line Railroad Company, party of the first part, and the Ontonagon and State Line Railroad Company, a corporation organized under and pursuant to the laws of the state of Michigan, party of the second part:

WITNESSETH, That in consideration of the mutual interest of the parties, and the mutual execution of these presents, the said party of the first part, and the said party of the second part, do hereby unite, consolidate and combine all the stock, rights, franchises, immunities and property of the said parties respectively, and such as are or have been respectively granted by the enactments, laws and charter of the said states of Illinois, Wisconsin and Michigan, to the said several corporations, into one company and corporation, to

be hereafter known and designated as the Chicago, St. Paul and Fond du Lac Railroad Company, under and pursuant to the laws of the aforesaid states; which said company as hereby created and consolidated, shall henceforth have and possess all and singular the rights, powers, franchises, immunities, privileges and property which are or have been heretofore, by the laws or enactments of the said states of Illinois, Wisconsin and Michigan, or by consolidation of other companies, or by acts of congress given to or conferred upon the aforesaid parties respectively.

And the said party of the first part doth in consideration of the premises, hereby grant and convey, transfer and assign unto the said consolidated company hereby created by the name of the Chicago, St. Paul & Fond du Lac Railroad Company, all and singular the franchises, corporate privileges, rights, real estate, rights to lands, depot grounds, right of way, road bed, iron rails, choses in action, rights of action, and property of every name, nature and description, and the same shall hereafter be held, owned and used by the said consolidated company as the same existed prior and up to the time of said consolidation.

And the said party of the second part in consideration of the premises, doth hereby grant, bargain, sell, alien, confirm, convey, transfer and assign unto the said Chicago, St. Paul & Fond du Lac Railroad Company as the same is hereby created and consolidated, all the corporate franchises, rights, privileges, real estate, lands, depots, depot grounds, rights of way, road beds, railroad iron rails, choses in action, rights of action and property of every name, nature and description, and especially all property, franchises, rights and privileges acquired or to be acquired by the party of the second part, from all and under an act of congress to lands along the line of road of said second party hereto.

It is further understood and agreed by the parties hereto that the number of Directors of said consolidated company hereby created shall be thirteen unless a different number shall be duly ordered.

The first election of Directors shall be held on the first Tuesday of October, A. D. 1857, and at the city of Chicago.

And in the meantime, and until such election shall be had, the business of said company, and its affairs shall be managed and conducted by the present Directors of said companies respectively, as a joint board of Directors, and the President and other officers and the committee of the present Chicago, St. Paul & Fond du Lac Railroad Company shall be and remain President, officers and committees of the said consolidated company until others shall be appointed in their places and stead, and with all the powers which they have respectively heretofore possessed.

And the by-laws, rules and regulations of the said companies respectively, are to remain in force and be obligatory so far as applicable upon the consolidated company hereby created, until others are made.

And all the agreements, obligations, liabilities and prior consolidations of said companies, and the terms thereof, so far as the same are equitably binding, or applicable and can be observed, and are hereby assumed and shall be sacredly fulfilled and kept by the consolidated company hereby created, and the shares of the stock of said company shall be one hundred dollars each, and the number of shares of capital stock shall be the aggregate of the capital stock of both companies, and may be issued by said company from time to time until sufficient to construct and complete said company's entire lines of road and branches with single or double tracks, with all necessary equipments and proper facilities for business, and to an amount equal to the entire cost thereof. The stock of the party of the first part is hereby declared to be valid stock in the consolidated company; all the bona fide holders of stock in said company are hereby declared to be stockholders in the same manner and to the same extent in the company hereby created.

And the stockholders of the party of the second part are hereby authorized, on surrendering their receipts or certificates of part paid stock, to receive therefor like certificates in the consolidated company, conferring upon them in said company privileges of paying up and taking full stock, as they are now entitled to from the party of the second part.

And parties holding certificates of full paid stock, if any such, shall be entitled to like certificates therefor in the company hereby created.

The seal of the consolidated company hereby created shall be the seal now used by the party of the first part hereto.

In testimony whereof, the President and Secretary of the Chicago, St. Paul and Fond du Lac Railroad Company of the first, and the President and Secretary of the Ontonagon and State Line Railroad Company of the second part, all duly authorized, have hereunto respectively, set their hands and affixed the corporation seals of said companies respectively, the day and year above written.

The Chicago, St. Paul and Fond du Lac Railroad Company, by
[SEAL.] W. B. OGDEN, *President.*

Attest: J. W. CURRIER, *Secretary.*

The Ontonagon and State Line Railroad Company, by
[SEAL.] E. C. ROBERTS, *President.*

Attest: N. K. WHEELER, *Secretary pro tem.*

Certificates of consolidation between the Chicago, St. Paul and Fond du Lac Railroad Company and the Wisconsin and Superior Railroad Company.

I, Joseph W. Currier, Secretary of the Chicago, St. Paul and Fond du Lac Railroad Company, hereby certify that the stockholders representing a majority of the capital stock of said company, have consented to the articles of consolidation hereto annexed, made and entered into by and between said Chicago, St. Paul and Fond du Lac Railroad Company, party of the first part, and the Wisconsin and Superior Railroad Company, of the second part.

Dated on the fifth day of March, 1857.

Witness my hand and the corporate seal of said Chicago, St. Paul and Fond du Lac Railroad Company, this 28d day of May, A. D. 1857.

[SEAL.] J. W. CURRIER, *Secretary.*

CHICAGO, ST. PAUL AND FOND DU LAC R. R. CO., AND MARQUETTE AND STATE LINE R. R. CO.

CONSOLIDATION.

Articles of agreement made and entered into, this twenty-first day of March, A. D. one thousand eight hundred and fifty-seven, between the Chicago, St. Paul and Fond du Lac Railroad Company, a corporation created and existing under the laws of the states of Illinois and Wisconsin, and by consolidation with the Wisconsin and Superior Railroad Company, party of the first part, and the Marquette and State Line Railroad Company, a corporation organized under and pursuant to the laws of the state of Michigan, party of the second part:

Witnesseth, That in consideration of the mutual interests of the parties, and of the mutual execution of these presents, the said party of the first part and the said party of the second part, do hereby unite, consolidate and combine all the stock, rights, franchises, immunities and property of the said parties, respectively, and all such as are or have been, respectively, granted by the enactments, laws and charters of said states of Illinois, Wisconsin and Michigan to the said several corporations into one company and corporation, to be hereafter known and designated by the name of the Chicago, St. Paul and Fond du Lac Railroad Company, under and pursuant to the laws of the aforesaid states, which said company, as hereby created and consolidated, shall henceforth have and possess all and singular the rights, powers, franchises, immunities, privileges and property which are or have been heretofor, by the laws or enactments of said states of Illinois, Wisconsin and Michigan, consolidated with other companies, or by act of congress given to or conferred upon the aforesaid parties, respectively. And the said party of the first

part doth in consideration of the premises hereby grant, sell, convey, confirm, transfer and assign unto the said consolidated company hereby created by the name of the Chicago, St. Paul and Fond du Lac Railroad Company, all and singular the franchises, corporate privileges, rights, real estate, right to lands, depot grounds, rights of way, road bed, iron rails, choses in action, rights of action and property of every name, nature and description, and the same shall hereafter be held, owned and used by the said consolidated company as the same existed prior and up to the time of said consolidation.

And the said party of the second part in consideration of the premises doth hereby grant, bargain, sell alien, confirm, convey, transfer and assign unto the said Chicago St. Paul & Fond du Lac Railroad Company as the same is hereby created and consolidated, all the corporate franchises, rights, privileges, real estate, land, depots, depot grounds, rights of ways road bed, railroad, iron rails, choses in action, rights of action and property of every names nature and discription and especially all property, franchises, railroads and privileges acquired or to be acquired by the party of the second part, from the Iron Mountain Railroad Company, and from the Iron Mountain Railroad Company or to which the said party of the second part, is or may be entitled from said companies or from an other party, and especially further all rights and privileges under any act of congress to lands along the line of road of said second party.

It is further understood and agreed by the parties hereto that the number of directors of said consolidated company hereby created, shall be *thirteen* unless a different number shall be duly ordered. The first election of directors shall be held on the first Tuesday of October, A. D. one thousand eight hundred and fifty-seven, and at the city of Chicago.

And in the mean time and until such election shall be had, the business of said company and its affairs shall be managed and conducted by the present directors of the said companies respectively as a joint board of directors. And the president and other officers and the committies of the present Chicago St. Paul and Fond du Lac Railroad Company shall be and remain president, officers and committees of the said consolidated company, with full powers until the election of directors of said consolidated company to be held as provided on the first Tuesday of October next.

All the By-Laws, rules and regulations of the said companies respectively are to remain in force and be obligatory, so far as applicable upon the consolidated company hereby created until others are made.

And all the agreements, obligations, liabilities, prior consolidation of said companies, and the terms thereof so far as the same are equally binding or applicable and can be observed, are hereby assumed, and shall be sacredly fulfilled and kept by the consolidated company hereby created, and the shares of stock of such company shall be *one hundred dollars* each, and the number of shares of capital stock shall be the aggregate of the capital stock of both companies, and may be increased by said company from time to time until sufficient to construct and complete said companies entire lines of road and branches with single or double tracks with all necessary equipments and proper facilities for buisness and to an amount equal to the entire cost thereof.

And the stock of the party of the first part is hereby declared to be valid stock in the consolidated company, and all the *bona fide* holders of stock in the said company are hereby declared to be stockholders in the same manner and to the same extent in the company hereby created.

And the stockholders of the party of the second part are hereby authorized, on surrendering their receipts, or of certificates of part paid stock, to receive therefor like certificates in the consolidated company conferring upon them in said company the same privileges of paying up and taking full stock, as they are now entitled to from the party of the second part.

And parties holding certificates of full paid stock, if any such, shall be entitled to like certificates therefor in the company hereby created.

The seal of the consolidated company hereby created shall be the seal now used by the party of the first part hereto.

In testimony whereof, the President and Secretary of the Chicago, St. Paul & Fond du Lac Railroad Company of the first part, and the vice president and secretary of the Marquette & State Line Railroad Company of the second part, all duly authorized, have hereto respectively set their hands and affixed

the corporate seals of the said companies respectively the day and year first above written.

Chicago, St. Paul & Fond du Lac R. R. Co., by
W. B. OGDEN, *President.*

[L. S.]

Attest: J. W. CURRIER, *Secretary.*

Marquette & State Line R. R. Co., by
CHAS. T. HARVEY, *President.*

[L. S.]

Attest: J. H. MORGAN, *Secretary pro tem.*

THE CHICAGO AND MILWAUKEE, AND THE MILWAUKEE AND CHICAGO RAILROAD COMPANY.

CONSOLIDATION.

These articles of consolidation, made and entered into this fifth day of June, in the year one thousand eight hundred and sixty-three, between the Chicago and Milwaukee Railroad Company, a corporation for railroad purposes, created and existing under and by virtue of the laws of the state of Illinois, party of the first part, and the Milwaukee and Chicago Railroad Company, a corporation for railroad purposes, created and existing under and by virtue of the laws of the state of Wisconsin, party of the second part,

Witnesseth, That said parties have, with the assent in writing of a majority of their respective stockholders, duly filed in the offices of their secretaries, agreed, and do hereby agree, each with the other, to unite and consolidate their respective stock franchises and corporate property into one company and corporation, upon the terms and conditions following, viz:

First. The corporate name of the consolidated company shall be "Chicago and Milwaukee Railroad Company," and said new company shall, by its said corporate name, have, possess and exercise all the corporate rights, franchises and immunities now held and exercised by the parties hereto in the states of Illinois and Wisconsin respectively, under and pursuant to the laws of said states.

Second. The affairs of said consolidated company shall be managed by a board of nine directors (until such time as said number shall be properly changed by said consolidated company), said directors to be chosen by the stockholders of the respective parties hereto voting, either in person or by proxy, at a meeting to be held on the twenty-third day of June, 1863, at the office of said company in Milwaukee.

The directors so chosen to hold their offices until the second Tuesday of February, A. D. 1864, and until their successors are chosen and enter upon their duties. All elections, however, after the first above provided for, to be subject, as to time and place and manner of holding the same, to the by-laws of said consolidated company.

Third. The capital stock of said consolidated company, shall be the present, and until changed by the said company, two millions two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; one million of which said stock shall be issued to the stockholders of said Milwaukee and Chicago Railroad Company in exchange for the stock held by them respectively in said Milwaukee and Chicago Railroad Company on the surrender of the certificates of said second party, now held by them for like amount; one million two hundred and thirty-seven thousand five hundred dollars of said stock, shall be issued *pro rata* to the stockholders of said Chicago and Milwaukee Railroad Company, on the surrender of the certificates of said first party now held by them, and the remaining sum of twelve thousand five hundred dollars of said stock of the consolidated company is to be appropriated to the payment of the expenses incident to said consolidation, to be divided between the parties hereto in the proportion of

their respective interests in said capital stock of said consolidated company as above fixed. The respective boards of directors of the parties hereto, to settle and adjust their respective expenses about said consolidation, and the distribution of their respective proportions of said consolidated stock hereby set apart for that purpose, and the holders of the stock of said consolidated company shall have the right to vote at all the elections for directors and other purposes in said consolidated company, to the same extent and in the same manner as stockholders in original corporations.

Fourth. Said consolidated company shall assume and pay what is known as the funded or bonded indebtedness of each of the parties hereto, including interest on said funded debt to the time consolidation takes effect, on coupons now running, it being understood that all matured interest has been duly paid. Said indebtedness being described as follows:

Chicago and Milwaukee Railroad Company—	
First mortgage bonds, 7 per cent.....	\$512,000 00
Second mortgage bonds, 10 per cent.....	279,000 00
Third mortgage bonds, 7 per cent.....	109,000 00
	<hr/>
	\$900,000 00
	<hr/>
Milwaukee and Chicago Railroad Company—	
First mortgage bonds, 8 per cent.....	\$400,000 00
Second mortgage bonds, 7 per cent.....	200,000 00
Third mortgage bonds, 7 per cent.....	250,000 00
	<hr/>
	\$850,000 00
	<hr/>

Fifth. It being the express understanding and agreement that said consolidated company shall save and keep harmless the said respective parties hereto from all damage, loss and liability, by reason of said indebtedness so assumed.

And it being also further understood, that each of the parties hereto shall pay and liquidate all its floating debts and liabilities, except the funded debt hereinbefore referred to, including claims for right of way and depot grounds, and that each of the parties hereto shall furnish to said consolidated company a satisfactory bond indemnifying the consolidated company against any of said claims or liabilities which for any reason remain unpaid at the time consolidation takes effect, or in lieu of such bond either party may deposit with the treasurer of said consolidated company, a sufficient sum of money to pay and satisfy all such claims remaining unsettled.

Sixth. The said consolidated company shall purchase of the parties hereto at cost all the operating materials belonging to said parties on hand at the time consolidation takes effect—the value of said materials to be fixed by the master mechanics of the parties hereto, and in case they cannot agree the acting master mechanic of the Galena and Chicago Railroad Company, or such other persons as may be agreed upon by the two master mechanics above indicated, shall act with them and the decision of any two of the persons thus acting shall be final, the value of said materials to be paid to the respective parties out of the first earnings of said consolidated company.

Seventh. The said Chicago & Milwaukee Railroad Company hereby grants, conveys and transfers to said Chicago & Milwaukee Railroad Company, all its rights, franchises, engine houses, shops, depots, buildings and other improvements, railroad depot grounds, rights of way, lands, cars, engines, tools, machinery, appurtenances and property used in the operation of its railroads. To have and to hold the same to said Chicago & Milwaukee Railroad Company, its successors and assigns, forever subject however to the lien of the mortgages and indebtedness above mentioned.

It being, however, expressly understood and agreed, that said Chicago & Milwaukee Railroad Company hereby reserves and excepts from their conveyance all the following described property now owned by it and not used for railroad purposes, viz: that part of block four (4) in the Canal Trustees' subdivision of part of the west half of section five (5), township 38, range 14

east, which lies west of Chicago & Northwestern Railroad; blocks sixty-four (64), sixty-five (65) and sixty-six (66), in Russell, Mathew and Roberts' addition to Chicago, and lots thirty-two (32), thirty-three (33), and thirty-four (34), and the west half of lot thirty-one (31), in Waubansia addition to Chicago, with the privilege, however, to said consolidated company of crossing said lots on Waubansia addition to Chicago with its track, substantially as the same is now laid, for purposes of access to depot accommodations. It being further expressly understood and agreed, that said Chicago & Milwaukee Railway Company shall protect said lots and blocks above referred to and excepted by said party of the first part, from the liens and claims of said above mentioned bonds and mortgages, and especially said second mortgage bonds made by the said party of the first part.

And said Milwaukee & Chicago Railroad Company hereby grants, transfers and conveys to the said Chicago & Milwaukee Railroad Company, all its franchises and corporate powers, together with its railroad, depot grounds, right of way, engine houses, shops, depots and other buildings, engines, cars, machinery, tools and other property and appurtenances used in the operation of its road.

To have and to hold unto said consolidated Chicago & Milwaukee Railway Company, its successors and assigns forever, excepting and reserving to the said Milwaukee & Chicago Railway Company all the land deeded to the said Milwaukee & Chicago Railway Company by E. Ferris Bishop and wife and John W. Stewart, by deed dated the 29th day of December, 1862, and recorded in the office of the register of deeds, in Milwaukee county, Wisconsin, known as the Wilcox property, except six acres thereof on which the shops and engine house of the said company now stands, the boundaries of which six acres to be determined by the officers of the consolidated company.

Eighth. For the purpose of managing the affairs of said consolidated company until the election of directors above provided, to be held on the 23d day of June, 1863, Walter S. Garner, E. K. Rogers, Charles L. Frost and John V. Ayer, are hereby constituted a provisional board of directors, with full powers to take the management and control of the affairs of said consolidated company, until a board of directors shall be duly chosen as above provided, by the stockholders of said company.

Ninth. All persons who are holders of the stock of either of the original companies, as shown by the stock of said companies at the time of consolidation, shall have the right to vote at said election, to be held on the 23d day of June, 1863, casting one vote for each share of said stock.

Tenth. Said consolidation shall take effect and be deemed as consummated on and after the first day of June, A. D., 1863, and all earnings of the roads of the respective parties hereto, shall be paid over and belong to said consolidated company, and said consolidated company shall be liable for all liabilities and expenses incurred in and about the operation of said roads from and after said day.

But the boards of directors of each company shall retain such powers as may be necessary to close the affairs, dispose of the reserved property, and pay the debts of said companies in such manner as said boards shall elect, and any contracts and conveyances made by or through said board shall be binding.

In testimony whereof said parties have hereunto set their respective corporate seals, and have caused these presents to be signed by their respective Presidents, and attested by their Secretaries the day and year above written.

[SEAL.]

B. M. PRICE,
President.

A. V. H. CARPENTER, *Secretary.*

[SEAL.]

A. STONE,
For Pres't C. & M. R. R. Co.

A. S. DOWNS, *Secretary.*

In presence of

WALLACE PRATT,
WM. HAYDEN, JR.,
W. E. CLARKE.

STATE OF ILLINOIS—Cook County—City of Chicago.

On this twentieth day of June, A. D. 1863, at the city of Chicago, in said county, before me, personally appeared A. Stone, Jr. and A. S. Downs, to me known to be respectively the President and Secretary of the Chicago and Milwaukee Railroad Company, the grantees in the foregoing conveyance named, and acknowledged that they executed said conveyance as such President and Secretary, freely and voluntarily for the uses and purposes therein expressed.

Witness my hand and official seal hereunto affixed.

[SEAL.]

D. P. WILDER, *Notary Public*,
in and for said city of Chicago.

STATE OF WISCONSIN—Milwaukee County—ss.

On this twelfth day of June, A. D. 1863, at the city of Milwaukee in said county, before me, personally came Benjamin M. Price and A. V. H. Carpenter, to me known to be respectively the President and Secretary of the Milwaukee and Chicago Railroad Company, the grantees in the foregoing conveyance named, and acknowledged that they executed said conveyance as such President and Secretary, freely and voluntarily, for the uses and purposes therein expressed.

Witness my hand and official seal hereto affixed.

[SEAL.]

WM. HAYDEN, Jr.,
Notary Public, Milwaukee County, Wis.

Secretary of State's Office, Wisconsin, June 22, 1863. Received for record,
8 o'clock P. M.

EDWARD ILSLEY, *Asst. Secretary of State.*

KENOSHA AND STATE LINE RAILROAD COMPANY, AND DIXON, ROCKFORD AND STATE LINE COMPANY.

CONSOLIDATION.

Articles of consolidation made this sixteenth day of January, one thousand eight hundred and sixty-four, by and between the Kenosha and State Line Railroad company, a corporation existing under and by virtue of the laws of the state of Wisconsin, of the first part, and the Dixon, Rockford and State Line Railroad Company, a corporation existing under and by virtue of the laws of the state of Illinois, of the second part.

WHEREAS, At a meeting of all the corporators of the Kenosha and State Line Railroad Company, held at Chicago, January 16, 1864, the said company was duly organized as a corporation under the laws of Wisconsin, and a by-law was unanimously adopted, which is in the words following: "A consolidation between this company and the Dixon, Rockford and State Line Railroad Company, a corporation existing under the laws of the state of Illinois, shall be formed in the manner and on the terms expressed in the following instrument, as articles of consolidation; and the said articles, upon the execution thereof, shall take effect in behalf of this company. (Here follows in the said by-laws the form of the present instrument.) And

WHEREAS, At a meeting of the directors of the said Kenosha and State Line Railroad Company, in which all of the said directors were present, held at Chicago on the sixteenth day of January, eighteen hundred and sixty-four, the aforesaid proceedings of the corporators or stockholders of the said company were present and were unanimously adopted by the said directors as their act; and

WHEREAS, At a meeting of the Dixon, Rockford and State Line Railroad

Company, duly held in Chicago January sixteenth, eighteen hundred and sixty-four, a by-law was unanimously adopted, which is in the words following:

A consolidation between this company and the Kenosha and State Line Railroad Company, a corporation existing under the laws of Wisconsin, shall be formed in the name and on the terms expressed in the following instrument, and the written approval of a majority in interest of the stockholders of this company shall be signified upon the said instrument. The president shall cause the said instrument to be executed in behalf of this company, and upon the filing of the said instrument in the office of the company, executed and approved as aforesaid, the said consolidation shall take effect in behalf of this company. (Here follows in the said by-law the form of the present instrument:)

AND, WHEREAS, The same has been duly approved in writing by a majority in interest of the stockholders of the said Dixon, Rockford and State Line Railroad Company.

Now, therefore, in conformity with the foregoing by-law and resolutions, the said Kenosha and State Line Railroad Company, party of the first part, and the Dixon, Rockford and State Line Railroad Company, party of the second part, do hereby combine and consolidate the said two companies, with their and each of their capital stock, franchises, property and rights of every name and nature, into one property and one company, to be called and known by the corporate name and style of the Dixon, Rockford and Kenosha Railroad Company, which said consolidated company shall from henceforth have and possess all the rights, franchises, powers and immunities which are or have been granted to or conferred upon either of the said parties hereto by the laws and enactments of said states of Illinois and Wisconsin, respectively, and the said consolidation shall be upon the following terms, viz.: The number of directors of the said consolidated company, to be elected, may be fixed by the joint board of directors after consolidation, and the first election of such directors shall be held on the first Thursday in June, 1864, and until a new board of directors shall be so elected, the business of the said consolidated company shall be conducted, managed and carried on by the two boards of directors of the said companies, jointly acting as the board of directors of the said consolidated company.

The said joint board of Directors shall elect officers for the said consolidated company. The corporate seal of the said consolidated company shall be a stamp with the device "Dixon, Rockford & Kenosha Railway Co." until otherwise ordered. The full paid stock of both companies respectively shall be and is hereby each deemed and taken to be of equal value, the one with the other, the partly paid stock and subscriptions hereto shall be and are hereby deemed and taken in both companies respectively to be of equal value in proportion to the amount paid, the one with the other, and are hereby placed upon a par, dollar for dollar. In every respect the terms and conditions of this consolidation are to be those of perfect equality and according to and in pursuance of the requirements and specifications contained in the laws of the states of Illinois and Wisconsin.

And said party of the first part doth hereby grant, convey, assign, set over to and vest in said consolidated company for the purposes of such consolidation, all the rights, privileges, immunities, franchises, powers, capital stock and all the lands and right to lands and property, real, personal and mixed, and all claims and rights of claims of every name and nature, now held and owned or controlled by said party of the first part, or in or to which said party of the first part hath any right, title, interest or claim either in law or equity.

And the said party of the second part for the purposes of such consolidation, doth hereby grant, convey, transfer, assign, set over to and vest in said consolidated company, all the rights, privileges, immunities, powers, franchises, capital stock, and all the lands and rights to lands and property, real personal and mixed, and all actions and rights of action of every name and nature, now held and owned or controlled by said party of the second part, or in or to which said party of the second part hath any right, title or interest either in law or equity.

In testimony whereof the parties of the first and second parts respectively

have caused their corporate seals to be affixed and the same to be attached by the signatures of their president and secretary, respectively the day and year first above written.

Kenosha & State Line Railroad Company, by
P. H. SMITH, *President.*

[SEAL.] Attest: J. B. REDFIELD, *Secretary.*

Dixon Rockford & State Line Railroad Company, by
P. H. SMITH, *President.*

[SEAL.] Attest: JAMES R. YOUNG, *Secretary.*

We certify that the Kenosha and State Line Railroad Company and the Dixon, Rockford and State Line Railroad Company, have been consolidated together into one company and corporation under the corporate name of the Dixon, Rockford and Kenosha Railroad Company, pursuant to the laws of the states of Illinois and Wisconsin, and the foregoing are the articles of such consolidation.

P. H. SMITH,
President of the Kenosha & State Line Railroad Company.

J. B. REDFIELD,
Secretary of the Kenosha & State Line Railroad Company.

P. H. SMITH,
President of the Dixon, Rockford & State Line Railroad Company.

JAMES R. YOUNG,
Secretary of the Dixon, Rockford & State Line Railroad Company.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY, AND DIXON, ROCKFORD AND KENOSHA RAILWAY COMPANY.

CONSOLIDATION.

Articles of consolidation made this nineteenth day of January, one thousand eight hundred and sixty-four, by and between the Chicago and Northwestern Railway Company, a corporation existing under and by virtue of the laws of the states of Illinois and Wisconsin of the first part, and the Dixon, Rockford and Kenosha Railway Company, a corporation existing under and by virtue of the laws of the states of Illinois and Wisconsin, of the second part;

WHEREAS, It has been agreed by and between the parties hereto to consolidate the said companies and their stock and property, on the terms hereinafter stated.

NOW, THEREFORE, The said Chicago and Northwestern Railway Company, party of the first part, and the said Dixon, Rockford and Kenosha Railway Company, party of the second part, do hereby combine and consolidate the said two companies with their and each of their capital stock, franchises, property and rights of every name and nature into one company and one property, which company shall be known by the corporate name and style of the Chicago and Northwestern Railway Company, and said consolidated company shall from henceforth have and possess all the said property and all the rights, franchises, powers, privileges and immunities which are or have been possessed by, granted to or conferred upon either of said parties hereto, by or under the laws and enactments of the said states of Illinois and Wisconsin respectively, and do hereby agree that the said consolidation shall be upon the following terms, viz: The number of directors of the said consolidated company, shall be thirteen until lawfully changed, and the first

election of such directors shall be held on the first Thursday in June, eighteen hundred and sixty-four, and until a new board of directors shall be elected, the business of said consolidated company shall be conducted, managed and carried on by the present board of directors of the said party of the first part; and the present officers, committees and by-laws of the said Chicago and Northwestern Railway Company, the party of the first part, shall be the officers, committees and by-laws of the said consolidated company, and the said officers and committees shall, until otherwise ordered, continue to exercise in respect to the consolidated company all the powers they possessed at the time of the consolidation in respect to the party of the first part.

The corporate seal of the said consolidated company shall be the present seal of the said party of the first part, unless hereafter lawfully changed. The consolidated company shall make and issue its bonds for the amount which the party of the second part shall, at the time the consolidation takes effect, have agreed to make and issue in respect to the road from Kenosha to Rockford, or the extension thereof, and the said bonds shall be secured by a first lien upon the said road.

The full paid stock of the party of the first part, shall be deemed and taken to be stock in the said consolidated company, and the stock of the party of the second part, when full paid, shall be entitled to receive new stock of the consolidated company at the rate of one hundred dollars for every forty-seven dollars paid in on such stock, or at that rate for any less sum paid in, and fractions shall be adjusted as the party of the first part shall direct.

In testimony whereof, the parties of the first and second parts respectively, have caused their corporate seals to be hereunto affixed, and the same to be attested by the signatures of their President and Secretary, respectively, the day and year first above written.

The Chicago and Northwestern Railway Company, by

[SEAL.]

W. B. OGDEN,
President.

Attest: JAMES R. YOUNG, *Secretary.*

Dixon, Rockford and Kenosha Railway Company by

[SEAL.]

J. B. REDFIELD,
President.

Attest: JAMES R. YOUNG, *Secretary.*

We certify that the Chicago and Northwestern Railway Company and the Dixon, Rockford and Kenosha Railway Company have been consolidated together into one company and corporation, under the corporate name of the Chicago and Northwestern Railway Company, pursuant to the laws of the states of Illinois and Wisconsin, and the foregoing are the articles of such consolidation.

W. B. OGDEN,
President of the Chicago and Northwestern R. R. Co.

JAMES R. YOUNG,
Secretary Chicago and Northwestern R. R. Co.

J. B. REDFIELD,
President of Dixon, Rockford and Kenosha Railway Co.

JAMES R. YOUNG,
Secretary Dixon, Rockford and Chicago R. R. Co.

**CHICAGO AND NORTHWESTERN RAILROAD COMPANY AND
GALENA AND CHICAGO UNION RAILROAD COMPANY.**

CONSOLIDATION.

Articles of agreement and consolidation made the second day of June, in the year of our Lord one thousand eight hundred and sixty-four, A. D. (1864), by and between the Chicago and Northwestern Railway Company, duly formed and organized under franchises to be a corporation, granted by the states of Wisconsin and Illinois, party of the first part, and the Galena and Chicago Union Railway Company, duly formed and organized under a franchise to be a corporation, granted by the state of Illinois, party of the second part, witnesseth:

WHEREAS, The said parties of the first and second parts are desirous of consolidating with each other, and are duly authorized by law to effect such consolidation as hereinafter provided; and

WHEREAS, The said parties of the first and second parts have agreed upon the terms and conditions hereinafter set forth as the terms and conditions of such consolidation and have fixed upon and regulated the proceedings for the purpose of such consolidation, by by-laws duly established by them respectively, and these articles are framed and extended in pursuance of such by-laws; and

WHEREAS, The terms of such consolidation have been approved of by a majority of the stockholders of the respective parties hereto in interest in person or by proxy at annual meetings duly held by them respectively; and

WHEREAS, The said party of the first part has become vested with all the railroad property, franchises, privileges and rights formerly held by the Dixon, Rockford and Kenosha Railway Company by consolidation duly made with the said company.

Now, therefore, this agreement witnesseth, that in consideration of the mutual agreements, covenants, promises and grants herein contained, the said parties of the first and second parts do, by these presents, merge, combine and consolidate their respective capital stocks, franchises, grants, immunities, privileges, capacities, properties and rights of every name and nature, into one company, to be called and known by the corporate name and style of the Chicago and Northwestern Railway Company, which said consolidated company shall from henceforth have and possess all and singular the rights, franchises, powers, immunities, privileges and capacities which are or have been granted to, or conferred upon, or possessed or enjoyed by either of the said parties hereto, by or under the laws or enactments of the said states of Illinois or Wisconsin, or of either of the said states.

And this agreement further witnesseth, that the said parties of the first and second parts have agreed upon, and by these presents do agree upon and prescribe the following as the terms and conditions the said parties of the first and second parts mutually covenant, promise and agree to observe, keep and perform, viz:

Article First. The persons who shall be directors of the Chicago and Northwestern Railroad Company, at the time of such consolidation, shall be the first directors of the said consolidated company, and shall act as such until the next annual election of directors, as is herein prescribed, and until their successors are duly elected.

Article Second. The number of the directors of the said consolidated company shall be not less than thirteen, and not more than seventeen. The board, as consolidated by the preceding article, may, in their discretion, fill up their number to seventeen. The number for any year, within such limits as are established by law, may be fixed at the annual meeting of the stockholders by a by-law adopted at such meeting.

Article third. The first regular annual meeting of the stockholders, or the stock and bondholders of the said consolidated company, shall be held on the first Thursday in June, 1865. Special meetings may be called at any time by a majority of the said board of directors. The board of directors of the said consolidated company shall, at their first meeting appoint all necessary

officers, and adopt such by-laws as they see fit, and may alter the same as they shall, from time to time, think proper.

Article Fourth. The corporate seal of the consolidated company shall be that of the present Chicago & Northwestern Railway Company until otherwise ordered.

Article Fifth. The common stock of the present Chicago & Northwestern Railway Company shall be and continue common stock of the said consolidated company.

Article Sixth. The said consolidated company shall issue a preferred stock which shall be entitled to preference to the aggregate interest of ten (10) per cent. in the dividends which may be declared in any year out of the net earnings of each year, in the manner following: Preference of seven (7) per cent., and, after dividends of seven (7) per cent. on the common stock, then, secondly, to a further preference of three (3) per cent. after a further dividend of three per cent. on the common stock, both classes of stock shall be entitled to equal rates per share in any further dividend.

Article Seventh. The certificates for the preferred stock of the present Chicago & Northwestern Railway Company, issued, or authorized to be issued by said company, shall be exchanged for certificates for the same number of shares in the aforesaid preferred stock of the consolidated company.

Article Eighth. The stock of the said Galena & Chicago Union Railroad Company shall be convertible into the preferred and common stocks of the consolidated company at the rate of one share of the preferred stock of the consolidated company and one share of the common stock of the consolidated company for one share of the stock of the Galena & Chicago Union Railroad Company; and the said stock of the Galena & Chicago Union Railroad Company shall also, on such conversion, be entitled to the payment of three (3) dollars in money for each share of the said stock.

Article Ninth. The capital stock of the said consolidated company is hereby declared to be the aggregate of the stocks, preferred, common and special, which the respective companies were authorized to create by virtue of the laws or enactments applicable thereto, or which the consolidated company is authorized to create by virtue of the act of consolidation, or the laws authorizing the same, all of which powers are hereby expressly preserved to the consolidated company.

Now the actual amount of the preferred stock when the consolidation shall take effect, shall be deemed to be the aggregate of the amount of the preferred stock which the party of the first part had issued or agreed to issue, and of the amount of the stock which the party of the second part had issued or agreed to issue, and the actual amount of the common stock shall be deemed to be the aggregate of the common stock which the party of the first part had issued or agreed to issue, and of the amount of stock which the party of the second part had issued or agreed to issue.

Article Tenth. Each and every existing bond, lease, contract, agreement or obligation or liability heretofore entered into, assumed or agreed to either by the present Chicago & Northwestern Railway Company, or by the Galena & Chicago Union Railway Company, shall be severally discharged, fulfilled and observed by the consolidated company hereby created, and each and every of the acts, assumptions, proceedings, resolutions and doings of the respective Boards of Directors of the said companies and committees, shall be and the same are hereby ratified, confirmed and made valid, and shall be observed by the consolidated company hereby created.

Article Eleventh. The holders of bonds in the said Galena and Chicago Union Railroad Company shall have the right and power to vote at all regular and called meetings of the stock and bondholders in the said consolidated company, to the same extent and with the same right and power as is now held and enjoyed by the bondholders in the present Chicago and Northwestern Railway Company, if the powers exist in the parties entering into this consolidation to confer and grant such right and power. And all needful legislation shall be applied for to more effectually confirm such rights and privileges in said bondholders.

Article Twelfth. Consent and approval is hereby given to a consolidation between the company formed by these presents and the Peninsula Railroad Company of Michigan, on the terms of an issue of a special stock, under

chapter 206 of the laws of Wisconsin for the year 1864, in place of the stock of the said company, which special stock shall entitle the holders to the net earnings of the said railway and the other privileges authorized by the said act, and the directors may agree to make such special stock convertible into the stocks of this company in such proportions as they shall deem for the interests of this company, and may make by-laws and do all acts necessary or proper to carry such consolidation into effect.

And these presents further witnesseth that the said party of the first part in consideration of the premises, and of the sum of one dollar duly paid by the said party of the second part, the receipt whereof is hereby acknowledged, doth hereby grant, convey, assign set over to and vest in said consolidated company for the purpose of such consolidation, all the railroads of the said party of the first part, and all the equipments, implements and materials used or acquired therefor, and the rights, privileges, immunities, franchises, powers and all the lands and rights to lands and property money and effects real and personal and mixed, and all rights of action, and things of every name and nature now held or owned by the said party of the first part, or in or to which the said party of the first part hath any right title interest or claims either in law or equity, and also all the lands and rights to lands to which the said party is entitled by, through or under any and all laws and enactments which have been or may hereafter be passed by the congress of the United States, or the legislature of the states of Wisconsin or Illinois, and said party of the second part in consideration of the premises, and of the sum of one dollar to it paid by the party of the first part, the receipt whereof is hereby acknowledged doth hereby grant, convey, assign set over to and vest in said consolidated company, for the purposes of such consolidation all the railroads of the said party of the second part, and all the equipments, implements and materials used or acquired therefor, and the rights, privileges, immunities, franchises, powers and all the lands and rights to lands and property, money and effects real, personal and mixed, and all rights of actions and things of every name and nature now held or owned by the said party of the second part or in or to which the said party of the second part hath any right, title, interest or claim, either in law or equity.

And the said parties of the first and second parts, for the consideration aforesaid, do mutually agree and declare that the said consolidation shall take effect, and the said consolidated company shall go into operation immediately upon the execution of the present articles.

And the board of directors of the said consolidated company shall have full powers to carry the said consolidation into effect by all necessary or proper acts or things for the purpose.

In testimony whereof, the said parties of the first and second parts have caused their respective common and corporate seals to be hereunto affixed, and the same to be attested by their respective presidents and secretaries, on the day and year first above written.

The Chicago & Northwestern Railway Company, by
[SEAL.] W. B. OGDEN, *President.*

Attest: JAMES R. YOUNG, *Secretary.*

The Galena & Chicago Union Railroad Company, by
[SEAL.] JOHN B. TURNER, *President.*

Attest: W. M. LARABEE, *Secretary.*

We certify that the Chicago & Northwestern Railway Company and the Galena & Chicago Union Railroad Company have been consolidated together into one company and corporation, under the corporate name of the Chicago & Northwestern Railway Company, and that the foregoing is a copy of the articles of consolidation, and that the original copy of said articles of consolidation is on file in the office of the consolidated company in the city of Chicago, and that the same is stamped with United States revenue stamps to

the amount of two thousand dollars (\$2,000), as indicated on the margin of the above copy.

W. B. OGDEN,

President of the Chicago & Northwestern Railway Company.

JAMES R. YOUNG,

Secretary Chicago & Northwestern Railway Company.

JOHN B. TURNER,

President of the Galena & Chicago Union Railroad Company.

W. M. LARRABEE,

Secretary Galena & Chicago Union Railroad Company.

**CHICAGO AND NORTHWESTERN RAILWAY COMPANY, AND
PENINSULAR RAILROAD COMPANY OF MICHIGAN.**

CONSOLIDATION.

Articles of consolidation made and entered into this the twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four, between the Chicago and Northwestern Railway Company, a corporation existing under and by virtue of the laws of the states of Wisconsin and Illinois, party of the first part, and the Peninsular Railroad Company of Michigan, a corporation existing under and by virtue of the laws of the state of Michigan, party of the second part.

WHEREAS, The said parties of the first and second parts, are authorized by acts of the legislatures of the said several states, to effect a union of their respective roads and properties, and to form, by consolidation of their corporate rights and franchises, one joint stock company, and have agreed so to do upon the terms and conditions hereinafter mentioned and contained.

Now, therefore, this agreement witnesseth that the said Chicago and Northwestern Railway Company, party of the first part hereto, and the said Peninsular Railroad Company of Michigan, of the second part hereto, do hereby mutually agree to consolidate all and singular the rights, privileges, franchises, immunities and property of the said parties respectively into one company, to be hereafter known and designated by the corporate name and title of the Chicago and Northwestern Railway Company, under and pursuant to the charter enactments and laws of the aforesaid states, which said consolidated company hereby formed, shall henceforth have and possess all and singular the rights, powers, franchises, immunities, privileges, lands and property which are or have been heretofore by the charters, enactments or laws of the states aforesaid, or by acts of congress granted to or conferred upon the aforesaid parties respectively, or either of them.

And in pursuance of the provisions of the charters, enactments and laws of the states aforesaid, the said parties to this agreement do hereby prescribe the terms and conditions of the said consolidation, and do respectively agree thereto and to the mode of carrying the same into effect, which terms and conditions are as follows, viz:

Article First. The number of directors of the consolidated company, hereby formed, shall be seventeen, unless a different number shall be hereafter duly ordered.

The first election of directors shall be held on the day upon which the election of directors of the party of the first part is now provided to be held by the by-laws of the said party of the first part, or on the day on which such election shall be provided to be held by the by-laws of the consolidated company, and in the mean time, and until such election shall be had, the present directors of the party of the first part shall be the directors of the consolidated company, and the president and other officers and the com-

mittee of the party of the first part shall be and remain president, officers and committees of the said consolidated companies with their present powers, which, except, as hereinafter limited, may be exercised by them in respect to the joint property and business until the election of the directors of the said consolidated company shall be held as hereinafter provided.

Article Second. All the by-laws, rules and regulations of the party of the first part are to remain in force until duly changed or modified, and to be obligatory so far as applicable and not repugnant to the provisions of this agreement.

Article Third. The common seal of the consolidated company shall be the seal now used by the party of the first part hereto, unless the same shall be hereafter changed by a duly enacted by-law of the consolidated company, in which case it shall be such seal as hereby prescribed.

Article Fourth. All rights of creditors and all liens upon the property of either of the said corporations parties hereto, existing at the date of this agreement, shall be and are hereby declared to be preserved unimpaired by anything herein contained.

Article Fifth. All the common stock of the party of the first part is hereby declared to be valid stock in the consolidated company, and the preferred stock of the party of the first is hereby declared to be valid preferred stock in the consolidated company, with the same preferences over the common stock which belong and appertain to the said preferred stock: *provided*, however, that nothing herein contained shall be construed to impair any of the provisions hereof in respect to the Chicago and Northwestern Railway Company Peninsula special stock hereinafter mentioned, or to create a preference over such stock in respect to the earnings, or in case of the said Peninsula Railroad, as now built and to be built northerly from Escanaba.

Article Sixth. Holders of capital stock of the party of the second part, are hereby authorized, upon surrendering their certificates to the proper officers of the consolidated company, to demand and receive from the said consolidated company certificates for a like number of shares of a special stock which is hereby agreed to be created and issued by the said consolidated company, which special stock shall be designated "Chicago and Northwestern Railway Company Peninsular Special Stock," and the stock of the party of the second part is hereby declared to be entitled to all the rights herein granted, reserved or secured to the said special stock hereby provided for, with the same effect as if such exchange had been actually made until the holders thereof shall have been required by the consolidated company, on a notice of not less than thirty days to make such exchange, which notice to bind a particular holder, shall be given by depositing the same in the postoffice in the city of New York, addressed to such holder and by publication in at least one newspaper of the said city, and such requirement shall not operate in any manner to impair or affect the right of any holder of bonds of the party of the second part, to convert the same into stock of the party of the second part, but such conversion may be made directly into the said special stock.

Article Seventh. The special stock hereinbefore referred to as Chicago and Northwestern Railway Company Peninsula special stock, shall be entitled to such dividends as can be paid thereon from the fund to be applicable to that purpose, which fund shall consist of, *first*, the surplus of net earnings of the railroad heretofore belonging to the party of the second part, and known as the Peninsular Railroad (and which is now particularly described in a certain deed of trust or mortgage bearing date July 1, 1863, duly made and executed by the party of the second part to Samuel J. Tilden, trustee), so far as the same is built or shall be built from funds provided by the bonds secured by the said deed of trust or by stock of the party of the second part, or the said special stock or from the aforesaid fund or advance chargeable thereon, but not including earnings from any branch or extension constructed from other resource after paying interest and sinking fund upon and for the bonds aforesaid of the said party of the second part, and after paying all advances which the said party of the first part hereto may have made or which the said consolidated company hereby formed may hereafter make for and on account exclusively of the railroad hereinbefore defined, whether such advance be for interest on the said bonds or otherwise.

Secondly. A drawback of fifteen per cent. of the gross earnings of the present line of the party of the first part, from Fort Howard or Green Bay to Chicago, from any joint business which shall be done partly on that line and partly on the said Peninsula Railroad; *provided, however,* that in any year in which a dividend of seven per cent. shall be paid from the earnings of the said Peninsula Railroad upon the said Chicago and Northwestern Railway Company shall be Peninsula special stock. Such drawback shall be limited, and in case the section from Fort Howard at Green Bay to Escanaba, shall be constructed and put in operation, the aforesaid drawback shall be thereafter discontinued, and such drawback shall be subject to the provisions of application provided in clause first of this article.

And it is hereby declared and agreed, that the words net earnings asured in these presents, shall be construed to mean such surplus of the earnings of the railroad herein before described as the "Peninsula Railroad" as shall remain, after paying all the expenses of operating the said last mentioned railroad and conducting its business, including all taxes and assessments, and all expenses of repairing or replacing the said Peninsula railroad and branches aforesaid, its equipments and appurtenances, or any part thereof, and such additional equipments and improvements as shall be necessary for the adequate, convenient and economical management and use of the said Peninsula railroad.

Article Eighth. The expenses of the general management of the business of the consolidated company hereby formed, other than those incurred for the said Peninsular Railroad, shall continue to be borne by the railroad heretofore belonging to the party of the first part, without any contribution from the earnings of the said Peninsular Railroad or charge upon the fund aforesaid for the benefit of the special stock aforesaid.

Article Ninth. On and after the first day of January, one thousand eight hundred and sixty-five (1865), all capital stock of the said party of the second part, and also all the said Chicago & Northwestern Railway Company Peninsular special stock hereafter issued shall be exchangeable for and convertible into the preferred and common stocks of the consolidated company hereby formed, at and after the rate of one share of the preferred stock of the said consolidated company hereby formed, and one share of the common stock thereof for every two shares of the said peninsular special stock, or of the present stock of the said party of the second part (with scrip certificates for fractional amounts less than a share), which exchange and conversion shall be at the option of the holder of the stock so authorized to be converted.

Provided, however, That upon three-fourths of the whole aggregate amount of the present stock of the party of the second part, and the said peninsular special stock by this agreement provided for, being changed and converted into such common and preferred stocks of the consolidated company hereby formed, it shall become obligatory upon the holders of the balance of the said stocks so provided to be converted, to exchange and convert the same into the common and preferred stocks of the consolidated company, at the rate aforesaid, upon being required so to do by the said consolidated company, and that dividends after such requisitions on any stock not converted, shall cease until the same be so converted.

And provided further, That in order to enable any such holder to make the change and conversion aforesaid, he must first surrender up the certificate or certificates held by him, which he desires so to convert.

Provided, nevertheless, and it is hereby expressly declared that in respect to all of the said stock of the party of the second part, and the said peninsular special stock, which shall have been converted under this provision, the same shall be transferred and kept alive for the benefit of the consolidated company, in any dividend or distribution of profits which may be made so long as any part of the said stock of the party of the second part, or of the said peninsula special stock shall remain unconverted.

Article Tenth. This agreement is hereby declared to be an agreement between the party of the first part and of the consolidated company hereby created with the class of stockholders of the said consolidated company herein designated as holders of the aforesaid Peninsula special stock, within the meaning of an act of the legislature of the state of Wisconsin, entitled

"an act to amend the charter of the Chicago and Northwestern Railway Company," approved March 26, 1864, and for the purpose of more effectually securing and preserving to the holders of the said special stock and of the present stock of the party of the second part, which as aforesaid is hereby declared and agreed to be a special stock of the consolidated company, with all the rights of the special stock aforesaid, all the rights, powers, authorities and directions by these presents reserved, granted to or conferred upon the said holders, or intended so to be, the holders of the said special stock and of the present stock of the party of the second part, so far as unconverted, may each year elect or appoint a committee of three persons, who shall be called the Peninsula Committee for such year, and shall continue until their successors shall be appointed, and shall be the general representatives of the holders of such special stock, and in case of any disagreement between the consolidated company and the said committee in respect to the division of earnings from the joint business as to what constitutes "net earnings," or any other question, such difference shall be submitted to three arbiters, and William B. Ogden, Edmund H. Miller and William A. Booth shall be such arbiters, who shall act by a majority of their number, and who shall keep their number full by appointment, in any vacancy which appointment shall be made by the surviving or continuing arbiter or arbiters, and in every such case the decision of such majority shall be binding to the parties hereto.

Provided, nevertheless, That the passenger rates on through business of the said Peninsula Railroad shall not be reduced below three cents per mile without the written consent of the said arbiters, nor shall the said special stock be increased beyond the amount now authorized by the party of the second part, and such additional amount as may be necessary to complete and equip the aforesaid road and branches, and the amount necessary for the conversion of bonds issued or to be issued and secured by the aforesaid deed of trust without the authority of a majority in interest of the holders of such special stock, expressed in writing, or at a meeting duly held, or the consent of the Peninsula committee aforesaid, or a majority of them.

Article Eleventh. The said consolidated company hereby formed under the name of the Chicago & Northwestern Railway Company aforesaid, shall assume, and does by these presents assume, the payment of the bonds aforesaid of the said party of the second part, commonly known as the first mortgage sinking fund land grant convertible bonds of the Peninsula Railroad Company of Michigan, issued or to be issued in conformity with the provisions of the deed of trust aforesaid, and of all interest accrued and to accrue thereon, according to the tenor thereof, and of the coupons thereto attached, and also of all contributions to the sinking fund for the redemption thereof, provided by the deed of trust aforesaid; and the said consolidated company shall observe, keep and perform, and does hereby promise and agree to observe, keep and perform all and singular the requirements, matters and things by the deed of trust last aforesaid provided to be observed, kept or performed by the said Peninsula Railroad Company of Michigan, and that the provisions in the said bonds contained for the conversion thereof into stock of the party of the second part, shall apply to the conversion thereof into the aforesaid special stock.

Article Twelfth. The holders of the said Chicago and Northwestern Railway Company Peninsula special stock, and of the present stock of the party of the second part, shall have the right to vote in all corporate meetings of the consolidated company hereby formed, in the same manner as the holders of the stock of the party of the first part, and the holders of the bonds of the party of the second part, shall have the right to vote on the said bonds as provided therein, at every general and special meeting of the stockholders of the consolidated company.

Article Thirteenth. All and singular the rights, franchises, privileges, real estate, lands, land grants, depot grounds, rights of way, road bed, railroad, iron rails, engines, cars, machinery, rolling stock, debts, dues, demands, things in action and property of every description, name and nature in which the said parties hereto respectively have any right, title or interest, whether in possession, reversion or remainder, with the appurtenances, shall hence-

forth be held, owned, possessed and controled by the consolidated company by this agreement, formed as fully and completely, to all intents and purposes as the said parties hereto respectively do or can now hold, own, use or control the same, and no further conveyance or assurance shall be necessary to fully and completely vest the same in the said consolidated company hereby formed.

Provided, nevertheless, That the iron and other materials owned by the party of the second part, previous to the execution of this agreement, shall be used upon the railroad and branches thereof hereinbefore mentioned as owned by the said party of the second part, and known as the Peninsula Railroad.

And provided, further, That nothing herein contained shall be construed to impair or effect any of the rights, powers or franchises by these presents reserved or granted to the holders of the special stock aforesaid; or of the present stock of the party of the second part.

Article Fourteenth. All just debts, guaranties and liabilities existing against either of the parties hereto, shall be, and hereby are assumed and agreed to be provided for, paid and discharged by the consolidated company hereby formed.

Article Fifteenth. This consolidation shall take effect and go into operation immediately upon the due execution of these articles.

In testimony whereof, the said parties of the first and second parts have caused their respective common and corporate seals to be hereunto affixed, and the same to be attested by their respective presidents and secretaries, on the day and year first above written.

The Chicago and Northwestern Railway Company, by
W. B. OGDEN, *President.*

[SEAL.]

JAMES R. YOUNG, *Secretary.*

The Peninsula Railroad Company of Michigan, by
W. B. OGDEN, *President.*

[SEAL.]

JAMES R. YOUNG, *Secretary.*

Signed, sealed and stamped, in presence of

FINLEY J. WRIGHT,
CHARLES NETTLETON.

STATE OF NEW YORK—*City and County of New York*—ss.

Be it remembered, this twenty-eighth day of December, A. D., one thousand eight hundred and sixty-four, before me, Charles Nettleton, a notary public of the state of New York, duly commissioned and sworn, and dwelling in said city and county of New York, personally appeared William B. Ogden, the President of the Chicago and Northwestern Railway Company, and also James R. Young, the Secretary of the same company, to me known, who being by me severally duly sworn, did depose and say as follows: That they both reside in the city of Chicago, county of Cook and state of Illinois; that he, the said William B. Ogden, was the President of the said Chicago and Northwestern Railway Company; that he, the said James R. Young, was Secretary of the said Chicago and Northwestern Railway Company; and they both say that they know the corporate seal of the said railway company; that the seal affixed to the foregoing instrument of writing was such corporate seal; that it was so affixed by order of the board of directors of the said company, and that they signed their names thereto by the like order, as President and Secretary of said company.

In witness whereof, I have hereunto set my hand and affixed my notarial seal this 24th day of December, A. D. 1874.

CHARLES NETTLESON,
Notary Public in and for the City, County and State of New York.

STATE OF NEW YORK—*City and County of New York*—ss.

Be it remembered that on this twenty-eighth day of December, A. D. one thousand eight hundred and sixty-four, before the subscriber, a commissioner in and for the said state, appointed by the governor of the state of Wisconsin, to take the acknowledgement and proof of the execution of deeds or other instruments of writing to be used or recorded in the state of Wisconsin, personally appeared William B. Ogden, the President of the Chicago and Northwestern Railway Company, and also James R. Young, the Secretary of the same company, to me known, who being by me severally duly sworn, did depose and say as follows: That they both reside in the city of Chicago, county of Cook, and state of Illinois, that he, the said William B. Ogden, was the President of the said Chicago and Northwestern Railway Company; that he, the said James R. Young, was Secretary of the said Chicago and Northwestern Railway Company; and they both say that they know the corporate seal of the said railway company; that the seal affixed to the foregoing instrument of writing was such corporate seal; that it was so affixed by order of the board of directors of the said company, and that they signed their names thereto by the like order as President and Secretary of said company.

In witness whereof, I have hereunto set my hand and affixed my official seal, this 28th day of December, A. D. 1864.

[SEAL.]

CHARLES NETTLETON,
Commissioner for Wisconsin in New York.

STATE OF NEW YORK—*City and County of New York*—ss.

On this twenty-eighth day of December, one thousand eight hundred and sixty-four, before me a commissioner of deeds for the state of Michigan, personally appeared the foregoing named William B. Ogden, known to be the President of the Peninsula Railroad Company of Michigan, and James R. Young, known to me to be the Secretary of the said Railroad Company, and also known to me to be the persons who executed the foregoing instrument of writing as such President and Secretary, and they severally acknowledged the execution of the said instrument of writing to be the free act and deed of the said Peninsula Railroad Company of Michigan. And I further certify, that I know the seal affixed to the said instrument of writing to be the corporate seal of said railroad company.

In witness whereof, I have hereto set my hand and affixed my official seal, this 28th day of December, A. D. 1864.

[SEAL.]

CHARLES NETTLETON,
Commissioner for Michigan, in New York.

WESTERN UNION RAILROAD COMPANY OF ILLINOIS, AND
WESTERN UNION RAILROAD COMPANY OF WISCONSIN.

CONSOLIDATION.

Articles of agreement made and concluded this 16th day of January, A. D. 1866, by and between The Western Union Railroad Company, a corporation created and existing in the state of Illinois, party of the first part, and The Western Union Railroad Company, a corporation created and existing in the state of Wisconsin, party of the second part, witnesseth as follows:

WHEREAS, Each party hereto has proposed each to the other, to unite and consolidate the railroad and property of each party, with the railroad and property of the other, so that the franchises, powers, rights and privileges of both parties hereto may be joined, blended and represented under one name, and the joint property thus united and consolidated shall be held, and all the rights of both parties hereto, as granted to each by the laws of the state of Illinois and of the state of Wisconsin, shall be owned, exercised and used by

a new consolidated company having one board of directors. *Therefore*, it is hereby stipulated, agreed and confirmed by the parties hereto:

First. The said parties hereto, in consideration of the mutual agreements and stipulations hereinafter contained, have mutually bargained, sold, granted and conveyed, each unto the other, and by these presents do mutually bargain, sell, grant and convey, each unto the other, and to their joint successors and assignees, the right to jointly have, hold, construct, use and operate all the railroad and railroads now constructed, partly constructed, and authorized to be constructed by them and each of them, by virtue of the laws of the states of Illinois and Wisconsin, and the proceedings thereunder, organizing said several corporations, and to jointly have, hold, use, operate, own and control the railroads of said several parties, now constructed and hereinafter to be constructed, forever, under and by the common and joint name hereinafter mentioned, each party hereby mutually granting and assigning to the other party all the powers, privileges and franchises conferred upon, granted to, and acquired by each party by the laws of the states of Illinois and Wisconsin, and the proceedings thereunder to organize said corporations.

Second. The said several parties hereto, in consideration aforesaid, hereby mutually merge and consolidate the railroad and property owned and held by them and each of them, and all the powers, privileges, rights, benefits, advantages and franchises now held, owned and possessed by them and each of them, by virtue of the laws of the said states of Illinois and Wisconsin, and the proceedings had thereunder, to organize said corporation.

Third. The said parties hereto, in consideration aforesaid, also hereby mutually bargain, sell, assign and set over, each unto the other, all of the property, rights and effects of every name and nature, held and owned by the said parties, and each of them as a part of the joint and consolidated railroad and property whether real or personal, including the books, papers, vouchers, demands, accounts, maps, plans and profiles of each of said parties, and all other things appertaining to the organization, surveys, business and property of said parties and each of them, and they do hereby mutually surrender up possession of the same, each to the other, and do hereby mutually authorize and empower the consolidated company hereby created to take possession, own, hold, occupy, use, control and manage all of the railroad and property, rights, privileges, franchises and effects of every name and nature, now owned, possessed or occupied by the parties hereto and each of them, including all right of way now obtained, all agreements concerning the same, all construction now accomplished, and all agreements concerning each construction.

Fourth. The said parties hereto, in consideration of the premises, do hereby mutually and jointly agree to join, and unto their several railroads, and to mutually and jointly accept, receive, hold and manage, and hereby do mutually and jointly accept, receive, and hold, each from the other, their said several railroads, property, rights, privileges, franchises and effects of said parties, and each of them, and to join and consolidate the railroad property, rights, privileges, franchises, claims and effects owned, occupied, possessed and claimed by each of said parties, with the railroad property, rights, privileges, franchises, claims and effects, owned, occupied, possessed or claimed by the other party.

Fifth. And it is further mutually agreed by and between the parties hereto that the name of the company formed by this consolidation shall be "The Western Union Railroad Company," and that the whole management of the affairs of such company shall be under the management and control of a board of directors consisting of the following named persons, to wit: Richard Irvin, S. P. Nash, G. R. Rolston and Jacob S. Wetmore, of New York city, N. Y.; Elijah Northey, of Cherry Grove; H. A. Mills, of Mt. Carroll; Edward P. Barton, of Freeport; William Shannon, of Shannon, and D. W. Dawe, of Lanark, in the state of Illinois, and G. A. Thompson, Darwin Andrews, S. C. Tuckerman, and Henry S. Fuller, all of Racine, in the state of Wisconsin; which board of directors shall hold their office until the — day of —, 186—, and until such time as a new board of directors shall be duly elected in accordance with the by-laws to be established by such new company.

This agreement shall in no wise change, affect, impair or diminish the title acquired by Geo. A. Thomson to the Racine & Mississippi Railroad and property, from Racine to Beloit in the state of Wisconsin, under the sale had in the foreclosure suit to foreclose the first mortgage on the same, prosecuted in the United States court in the state of Wisconsin.

In witness whereof, the said parties to these presents have caused this agreement to be signed by their presidents respectively, and the corporate seal of each company to be hereunto affixed, the day and year first above written, and the same to be attested by the secretary of each of the parties hereto.

The Western Union Railroad Company of Illinois, by
[SEAL.] G. A. THOMSON, *President.*

Attested by WM. V. BAKER,
Secretary of the Western Union Railroad Co. of Illinois.

The Western Union Railroad Company of Wisconsin, by
[SEAL.] G. A. THOMSON, *President.*

Attested by WM. V. BAKER,
Secretary of the Western Union Railroad Co. of Wisconsin.

STATE OF WISCONSIN—Racine County—ss.

Be it remembered, that on the 18th day of January, in the year one thousand eight hundred and sixty-six, before me the undersigned, a notary public in and for the county of Racine, in said state, duly commissioned and qualified by the Executive authority, and under the laws of said state, personally appeared George A. Thomson, who is personally known to me, and who is known to be the President of the Western Union Railroad Company in the state of Illinois, who being by me duly sworn, did depose and say that he resides in the city of Racine, in the state of Wisconsin, that he is the President of the Western Union Railroad Company in the state of Illinois; that he knows the corporate seal of said company; that the seal affixed to the above instrument is the seal of said company; that it was affixed by the order of the board of directors of said company, and that he signed his name as President of said company to said instrument by the like order, and the said George A. Thomson acknowledged that he had executed the above instrument for and on behalf of the said the Western Union Railroad Company for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and official seal the day and year above written.

[SEAL.] CHARLES E. DYER,
Notary Public, Racine County, Wis.

STATE OF WISCONSIN—Racine County—ss.

Be it remembered that on this 16th day of January, one thousand eight hundred and sixty-six, before me, the undersigned, a notary public, in and for the county of Racine, in said state, duly commissioned and qualified by the Executive authority, and under the laws of said state, personally appeared George A. Thomson, who is personally known to me, and who is known to be the President of the Western Union Railroad Company, in the state of Wisconsin, who being by me duly sworn, did depose and say that he resides in the city of Racine, in the state of Wisconsin, that he is the President of the Western Union Railroad Company in the state of Wisconsin, that he knows the corporate seal of said company; that the seal affixed to the above instrument is the seal of said company; that it was affixed to said instrument by the order of the board of directors of said company, and the said George A. Thomson acknowledged that he had executed the said instrument as president of said company for the uses and purposes therein mentioned.

In witness whereof I have hereunto affixed my official seal and subscribed my name this 16th day of January, A. D. 1866.

CHAS. E. DYER,
Notary Public, Racine County, Wis.

Recorded January 26, 1866.

THE WESTERN UNION RAILROAD COMPANY AND THE NORTHERN ILLINOIS RAILROAD COMPANY.

CONSOLIDATION.

Articles of agreement made and concluded this 17th day of January, A. D. 1866, by and between The Western Union Railroad Company, a corporation existing under and by virtue of the laws of the states of Illinois and Wisconsin, and the agreement of consolidation executed by and between The Western Union Railroad Company of Illinois, and The Western Union Railroad Company of Wisconsin, party of the first part, and The Northern Illinois Railroad Company, a corporation created and existing under and by virtue of the laws of said state of Illinois, party of the second part, witnesseth as follows:

WHEREAS, Each party hereto has made and submitted each to the other, a proposition in writing, to unite the railroad and property of each party, and to consolidate the capital stock of each party with the railroad and property and capital stock of the other, so that the franchises, powers, rights and privileges of both parties hereto may be joined, blended and consolidated, shall be held, and all the rights of both parties hereto, as granted to each by the laws of the states of Illinois and Wisconsin, shall be owned, exercised and used by a new consolidated company, having one board of directors.

Therefore it is hereby stipulated, agreed and confirmed by the parties hereto,

First. The said parties hereto, in consideration of the mutual agreement and stipulations hereinafter contained, have mutually bargained, sold, granted and conveyed each unto the other, and by these presents do mutually bargain, sell, grant and convey each unto the other, and to their joint successors and assigns, the right to jointly have, hold, construct, use and operate all the railroad and railroads now constructed, partly constructed and authorized to be constructed by them and each of them, by virtue of the laws of the states of Illinois and Wisconsin, and to jointly have, hold, use, operate and control the said roads of said several parties, now constructed and hereafter to be constructed, forever, under and by the common and joint name hereinafter mentioned, each party hereby mutually granting and assigning to the other party all the powers, privileges and franchises conferred upon and granted to each party by the laws of the states aforesaid, and agreement of consolidation creating said consolidation.

Second. The said several parties hereto, in consideration aforesaid, hereby mutually merge and consolidate the capital stock owned and held by them and each of them, together with all the powers, privileges, rights, benefits, advantages and franchises now held, owned and possessed by them and each of them, by virtue of the laws of the said states of Illinois and Wisconsin, with all the powers, privileges, rights, benefits, advantages and franchises now held, owned and possessed by said parties and each of them, under and by virtue of the laws of said states of Illinois and Wisconsin, and the agreements of consolidation creating said companies.

Third. The said parties hereto in consideration aforesaid, also hereby mutually bargain, sell, assign and set over, each unto the other, all of the property, rights and effects of every name and nature, held and owned by the said parties and each of them, as a part of the joint and consolidated property and capital, whether real or personal, including the books, papers, vouchers, demands, accounts, maps, plans and profiles of each of said parties, and all other things appertaining to the organization, surveys, business and property

of said parties and each of them, and they do hereby mutually surrender up possession of the same, each to the other, and do hereby mutually authorize and empower the consolidated company hereby created to take possession, own, hold, occupy, use, control and manage all of the property, rights, privileges, franchises and effects of every name and nature now owned, possessed or occupied by the parties hereto and each of them, including all right of way now obtained, all agreements concerning the same, all constructions now accomplished, and all agreements concerning such construction.

Fourth. The said parties hereto in consideration of the premises, do hereby mutually agree to join and unite their several railroads and to mutually accept, receive, hold and manage, and do mutually accept, receive and hold each from the other, all the several subscriptions of each party hereto to the capital stock, the said several parties together with the capital stock, property, rights, privileges, franchises and effects of said parties and each of them, and to join and consolidate the capital stock, property, rights, privileges, franchises, claims and effects, owned, occupied, possessed or claimed by each of said parties jointly with the capital stock, property, rights, privileges, franchises, claims and effects owned, occupied, possessed or claimed by the other party, and place the owners of the capital stock of each of said parties and the owners of the property, rights, privileges and franchises hereby consolidated upon the equitable footing hereinafter provided.

Fifth. For the purpose of an equitable adjustment of the rights and interests of the parties hereto, the said parties hereto in consideration of the premises, do hereby further mutually agree that the holders and owners of the stock of the Northern Illinois Railroad Company shall surrender and cancel all certificates of stock issued to them by the Northern Illinois Railroad Company: that the new consolidated company shall issue and deliver to the present stockholders of the Northern Illinois Railroad Company two thousand shares of stock of one hundred dollars each, and also two hundred and fifty bonds of one thousand dollars each, to be secured by a first mortgage upon the whole route and line of railroad of such new consolidated company, together with all its property, rights and franchises, which said new stock and bonds shall be held and owned by the present stockholders of the Northern Illinois Railroad Company, in place of the stock, property and rights by them surrendered. That the new consolidated company shall issue and deliver to the present owners of the property, rights and franchises of the Western Union Railroad Company, whose title was occupied under the foreclosure of the second mortgage thereon, executed by the Racine and Mississippi Railroad Company, two hundred and eighty bonds of one thousand dollars each, to be secured by such first mortgage upon the property above named, and ten thousand shares of stock of one hundred dollars each; and said new consolidated company is hereby declared to be the representative and owner of all the property, rights, powers, privileges and franchises heretofore represented, owned and possessed by the separate organizations hereby consolidated; and said new consolidated company does hereby assume and agree to pay all the legal liabilities and indebtedness now existing against each and both of the companies hereby consolidated.

Sixth. This agreement shall not in any manner change, effect, impair or diminish the title acquired by George A. Thomson to the Racine and Mississippi Railroad and property from Racine to Beloit, in the state of Wisconsin, and the rights and franchises thereto belonging under the sale had in the foreclosure suit to foreclose the first mortgage on the same, prosecuted in the United States court in the state of Wisconsin.

Seventh. And it is further mutually agreed, by and between the parties hereto, that the name of the company, formed by the consolidation, shall be "The Western Union Railroad Company," and that the whole management of the affairs of such new company shall be under the management and control of a board of directors consisting of the following named persons, to wit: Richard Irvin, Jacob S. Wetmore, S. P. Nash and G. R. Rolston, all of the city of New York; S. C. Tuckerman, Henry T. Fuller, Darwin Andrews and G. A. Thomson, all of the city Racine, Wisconsin; E. P. Barton, of Freeport, Illinois; H. A. Mills, of Mt. Carroll, Illinois; D. W. Dawn, of Lanark, Illinois; William Shannon, of Shannon, Illinois, and Elijah Northy, which board of

directors shall hold their office until such time as a new board of directors shall be duly elected in accordance with the by-laws to be established by such new company, at which time there shall be an election of a new board of directors from the stockholders of the parties hereto.

In witness whereof, the said parties to these presents have caused this agreement to be signed by their presidents, respectively, and the corporate seal of each company to be hereunto affixed the day and year first above written, and the same to be attested by the secretary of each of the parties hereto.

[SEAL.] *The Western Union Railroad Company, by*
G. A. THOMSON, *President.*

Attest by W. V. BAKER,
Secretary of the Western Union Railroad Company.

[SEAL.] *The Northern Illinois Railroad Company, by*
G. A. THOMSON, *President.*

Attest by W. V. BAKER,
Secretary of the Northern Illinois Railroad Company.

STATE OF ILLINOIS.—*Stephenson County*—ss.

Be it remembered, that on this 17th day of January, in the year one thousand eight hundred and sixty-six, before me the undersigned, a notary public in and for the county Stevenson, in said state, duly commissioned and qualified by the executive authority and under the laws of said state, personally appeared George A. Thomson, who is personally known to me, and who is known to be the President of the Northern Illinois Railroad Company, who being by me duly sworn, did depose and say: That he resides in the city of Racine, in the state of Wisconsin, that he is the President of the Northern Illinois Railroad Company that he knows the corporate seal of the said company, that the seal affixed to the above instrument is the seal of said company, that it was affixed by order of the board of directors of said company, and that he signed his name as President of said company to said instrument by the like order; and the said George A. Thomson acknowledged that he had executed the above instrument for and on behalf of the said Northern Illinois Railroad Company for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and official seal the day and year above written.

[SEAL.] JOHN B. SCROGGS,
Notary Public.

STATE OF ILLINOIS.—*Stephenson County*—ss.

Be it remembered that on the 17th day of January, in the year one thousand eight hundred and sixty-six, before me the undersigned, a notary public in and for the county of Stephenson in said state, duly commissioned and qualified by the executive authority, and under the laws of said state, personally appeared George A. Thomson, who is personally known to me, and who is known to be the President of the Western Union Railroad Company, who being by me duly sworn, did depose and say that he resides in the city of Racine, in the state of Wisconsin; that he is the President of the Western Union Railroad Company, that he knows the corporate seal of said company, that the seal affixed to the above instrument is the seal of said company, that it was affixed to said instrument by the order of the board of directors of said company, and that he signed his name to the above instrument as President of said company by the like order of the said board of directors of said company, and the said George A. Thomson acknowledged that he had executed the said instrument as President of said company for the uses and purposes therein mentioned.

In witness whereof I have hereunto affixed my official seal and subscribed my name this seventeenth day of January, A. D. 1866.

[SEAL.] JOHN B. SCROGGS,
Notary Public.

PORTAGE AND SUPERIOR RAILROAD COMPANY, AND WINNEBAGO AND SUPERIOR RAILROAD COMPANY.

CONSOLIDATION.

These articles of consolidation, made and entered into this first day of May, A. D. 1869, by and between the Portage and Superior Railroad Company and the Winnebago and Lake Superior Railroad Company, duly incorporated and organized by and under the laws of the state of Wisconsin, witnesseth as follows:

That the said railroad companies have agreed and do hereby agree to become consolidated, and do and have hereby become consolidated in and as one company under the name of the "Portage, Winnebago and Superior Railroad Company," as authorized by their respective acts of incorporation, and especially by chapter two hundred and fifty-seven, of the private and local laws of 1869, entitled "an act to authorize the Portage and Superior Railroad Company to consolidate with the Winnebago and Lake Superior Railroad Company, under the name of the Portage, Winnebago and Superior Railroad Company, upon the terms, conditions and limitations following, to-wit:

First. That the said consolidated company shall be under the direction and control of a board of nine directors, and that the first board of directors shall be composed of the following named persons who may hold their offices for the term of four years, and until others are chosen and qualified, to wit: Benjamin F. Hopkins, John P. McGregor, Henry Hewitt, George Reed, Henry P. Strong, W. G. Guman, Charles N. Paine, Reuben M. Scott, J. S. Buck; and said persons shall each enter into a good and sufficient bond in the sum of three thousand dollars, with one or more sureties, to be approved by the judge of the circuit or county court of his circuit or county, conditioned that he shall well and faithfully discharge his duty as director, and pay, do and perform all that may be required of him to carry into effect the following conditions, to wit:

First. To employ a competent engineer or engineers and all necessary aid, and cause to be run and marked a preliminary line of the railroad from Portage City to Lake Superior and Superior City on Lake Superior, and have the lands granted by congress in aid of said road reserved from sale by the general government within one and one half year from the date hereof, and within two and one half years have the route or line of said road properly surveyed and located, and the said lands designated upon a map or maps, with their estimated valuations, and set apart by the government; and have estimates made by such competent engineer or engineers of the cost of the grading and tying the track of said road, in divisions of twenty miles each from the said Portage City to Superior City.

Second. To have a mortgage upon the lands so selected, made and executed in due and proper form by said company to a suitable trustee, to secure the payment of the land bonds of the said company, issued in an amount not less than at the rate of one $\frac{50}{100}$, nor more than four dollars per acre of said lands, which bonds are to be set apart and used in aid of the construction of the several divisions of said road, in the manner, but except as is hereinafter provided and excepted.

Third. To place a first mortgage upon the whole line of said located road to secure the payment of the bonds of said company, issued to run not less than twenty years, in a sum or amount which shall be not less than at the rate of fifteen thousand dollars per mile of road, which bonds are to be set apart and used in aid of the construction of said road in the manner hereinafter provided.

Fourth. To divide the said road into divisions of twenty miles each, commencing at and numbering said divisions consecutively, from said Portage City to Ripon and Fond du Lac, and from Ripon to Lake Superior, and deposit in some safe bank or banks not less than the seven-eighths of the aforementioned land mortgage bonds, to the credit of the said several divisions of road in *pro rata* amounts upon the estimated cost of preparing the track thereof ready for the iron, and to be paid over to the parties so constructing

such track when completed, and shall reserve one eighth of said bonds to be used for the general purposes of the company.

Fifth. To deposit to the credit of the said several divisions of the road the said first mortgage bonds in the amount of fifteen thousand dollars per mile of road, which bonds are to contain a condition that the same are to be used, negotiated or sold only in and for the purchase of the iron and equipment for such division of road as the same shall respectively be made ready therefor. Such divisions being chargeable with their respective shares of the cost of the equipment used on the line of completed road, as the same shall come to be used upon the said divisions severally.

Sixth. To issue stock in amount not exceeding the rate of fifteen thousand dollars per mile of road and deposit two thirds of the same to the credit of the said several divisions of road in *pro rata* amounts upon the estimates of the said several divisions, subject to be paid over to the parties constructing said divisions of road as the work shall progress thereon, and use the remainder of such stock for the general purposes of said company.

Second. When any one of said divisions of said road shall be completed, the lands which may be patented to the company in consideration thereof shall be advertised and sold to the highest bidder therefor when directed by the parties holding a majority of the said land mortgage bonds as aforesaid deposited to the credit and paid over on the completion of said division of road, and so much of the proceeds as shall arise from such sale, as shall be necessary shall be used in paying the principal and interest of said bonds, and the excess if any shall be invested in United States bonds, which are to be deposited in the bank designated as the depository of the said company securities, and the proceeds thereof to be used only for the purposes of paying the amounts due or outstanding, or which may become outstanding bonds and issued on account of other divisions of completed road or held on deposit to be issued when other divisions of road may be completed: *provided, however*, if the said company shall, as it is hereby authorized to do, contract for the sale of the said lands or any portion thereof, subject to the said mortgage, the price to be payable as the title thereto shall from time to time be given to the purchaser or purchasers, then in such case the moneys received therefor shall be paid or invested and deposited in liquidating the said bonds in the manner aforesaid; and the foregoing conditions shall be incorporated in the said bonds and mortgage; *and provided, further*, that all municipal or other aid granted to said company in aid of the construction of its road shall be applied to the divisions severally for which such aid was specifically granted; *and provided, further*, that if a contract or contracts be made by said company for the sale of the whole or any portion of the said lands to be paid for when or before the title thereto can be given to the purchaser or purchasers, and the same shall be assented to by a majority of two-thirds of the directors of the said company, then and in such case the above mentioned mortgage shall not be made upon said lands, or said land bonds issued.

Third. That the said directors may subscribe for, take, receive and hold respectively, shares of stock or land mortgage bonds at the market value thereof, in or issued by said company, at the appraised value thereof, if the same be not mortgaged as herein provided, or portions and amounts of each sufficient in amount to reimburse the expenditures made by them in carrying into effect the conditions hereafter, excepting the amounts that may be paid thereout of the fund credited to the several divisions of road as hereinafter provided, the amount of such shares of stock, or of bonds or lands so to be taken and held, to be determined and certified by the trustee or trustees of said company.

Fourth. The cost of the procuring and depositing of the aforementioned bonds and stock, shall be chargeable to and paid out of the fund belonging to the said several divisions of road to the credit of which such bonds and stock may be deposited.

Fifth. In case any one of the persons herein named as first directors of said consolidated company, shall refuse to act as such directors, or shall fail to comply with any of the conditions or obligations herein contained or imposed, such neglect or failure for thirty days after notice as prescribed by the board of directors, shall be taken and deemed as a resignation of his said office, and

the same shall be declared vacant, and be filled by the appointment by a majority of the directors who have performed the conditions up to that time required of them.

Sixth. The stock subscriptions, books and all memorandums or contracts for subscriptions for any shares of the capital stock in either of said companies hereby consolidated, and all books and papers relating to the organization or business of the said companies in the possession and custody of any officer or officers or agent or attorney of either of said companies, shall, on demand, be delivered up to the proper officer or officers of the said company hereby and hereunder organized, and it shall and hereby is made the duty of the directors of said company to open books and receive subscriptions to the capital stock thereof, as they are or may by law be authorized to do, and to transfer to such books all subscriptions heretofore made to the capital stock in either of said companies, and to recall, receive and cancel all stock certificates which may have been issued upon any such subscriptions and in exchange therefor, or in lieu thereof issue and deliver shares of stock in equal amounts in said consolidated company, and also to settle and adjust on a fair and equal basis, all claims by the directors or officers or other persons against either of said companies.

Seventh. The first meeting of the directors hereinbefore named shall be held in the city of Oshkosh, on the 2d day of June, 1869, for the purpose of electing officers of said consolidated company, and transacting such further business as they or a majority of them may deem necessary to carry into effect the provisions of these articles, and in case there be less than a majority present on said day, the directors present may adjourn from day to day until a majority shall meet, or may adjourn the meeting for a longer time, and shall publish a notice thereof in all the daily papers published in said city of Oshkosh.

Eighth. At the expiration of the term of the said first board of directors, there shall be elected by the stockholders of said company, nine directors, three of whom shall hold their offices for one year, three for two years, and three for three years, and annually thereafter there shall be elected three directors to fill the places of the outgoing directors, and it is hereby made the duty of the said first board of directors, at least sixty days before the expiration of their term of office, to cause to be published in three several cities or villages in the state, a notice of the time and place when the meeting of stockholders is to be held for the purpose of electing the directors as aforesaid. All vacancies in the board of directors may be filled by the majority of the directors then remaining in the said board.

Lastly. These articles shall take effect and be in force from and after the same have been subscribed by a majority of the directors of each of said companies, and filed in the office of the Secretary of State, as provided by the aforementioned act of the legislature of 1869, and the two said companies shall from thence become consolidated as one company, under the name aforesaid. And these articles may be enlarged or exchanged by a vote of two thirds of the directors at any general or special meeting of which all have had notice, as may be deemed necessary to promote the interests of the company and carry into effect the foregoing provisions, and as by law they may be authorized to do, but in no way so as to limit the obligations hereinbefore and hereby imposed upon them the said directors.

In witness whereof the said parties hereto have caused these articles to be signed by a majority of the directors of each of said companies, and sealed with their respective seals, the day and year first above written.

In presence of
MARY ESTERLY,
Y. MARTIN.

GEO. ESTERLY, [SEAL.]
Director in the Portage and Superior R. R. Co.

HENRY STRONG, [SEAL.]
Director in the Portage and Superior R. R. Co.

S. W. BUDLONG, [SEAL.]
Director in the Portage and Superior R. R. Co.

W. W. REED, [SEAL.]
Director in the Portage and Superior R. R. Co.

M. B. GIBSON.	H. S. WINSOR, [SEAL.] <i>Director in the Portage and Superior R. R. Co.</i>
WM. IRISH.	S. O. RAYMOND, [SEAL.] <i>Director in the Portage and Superior R. R. Co.</i>
FRED. B. TUBBLE.	JOHN P. MCGREGOR, [SEAL.] <i>Director in the Portage and Superior R. R. Co. and President thereof.</i>
JAS K, PROUDFIT.	W. W. CORNING, [SEAL.] <i>Director in the Portage and Superior R. R. Co.</i>
A. J. TURNER,	WM. H. DOE, [SEAL.] <i>Director in the Portage and Superior R. R. Co.</i>
H. W. CHYNOWETH.	E. W. KEYES, [SEAL.] <i>Director of the Portage and Superior R. R. Co.</i>
S. S. ROBY.	GEO. REED, [SEAL.] J. S. BUCK, [SEAL.] CURTIS REED, [SEAL.]
JOHN FORDYCE.	WM. G. GERMAIN, [SEAL.]
C. G. ANDREWS.	FRED. S. ELLIS, [SEAL.]
	<i>Directors of the Winnebago and Lake Sup. R. R. Co.</i>

Filed and recorded May 24, 1869.

SUGAR RIVER VALLEY RAILROAD SOLD TO THE MADISON AND PORTAGE RAILROAD COMPANY.

DEED OF CONVEYANCE.

WHEREAS, Against the Sugar River Valley Railroad Company, a corporation existing under the laws of Wisconsin, certain judgments were recovered as follows, to-wit: In the circuit court for Dane county, Wisconsin, in favor of William Willikin, in August, A. D. 1863, for \$442.82; in the same court in favor of Ezra Miller, in September, 1863, for \$862.73; in the same court in favor of the Bank of Madison, in March, 1863, for \$2,071.91. In the circuit court for the county of Rock, in said state, in favor of James Campbell, in January, 1864, for \$1,856.34, and in the circuit court, for the county of Green, in said state, in favor of J. H. Warren, and in and about January, 1856, one or more judgments amounting to about \$6,000; and

WHEREAS, Under and by virtue of an execution issued from the proper court upon the aforesaid judgment in favor of James Campbell, a sale was made on or about the 12th day of August, 1865, to the aforesaid James Campbell of so much of said railroad, as is situated in Dane county aforesaid and described as follows, to-wit: All the right of way of the Sugar River Valley Railroad Company, and the land occupied thereby, commencing at the north boundary line of Dane county aforesaid and running southerly through the city of Madison to the south boundary line of Dane county, being a strip of land thirty-three feet wide on each side of the centre line of said railroad, including also all bridges, viaducts, culverts, fences, depots and station grounds, also all the rights, franchises and privileges of the said railroad company, of, in and to or concerning the same; which said premises, property, rights, franchises, privileges, etc., were not redeemed from said sale, and were by the sheriff of Dane county aforesaid, on the 29th day of November, A. D. 1869, duly conveyed by deed to the said James Campbell; and

WHEREAS, Under and by virtue of an execution issued from the proper court upon the aforesaid judgment in favor of the Bank of Madison, a sale was made on or about the tenth day of November, A. D. 1864, to one John D. Gurnee, of all of that portion of the said railroad of said company, then partly completed, situated in the county of Columbia, in said state, together with

the rights, privileges and franchises of said company thereunto appertaining; and

WHEREAS, Before the expiration of the time for the redemption upon said sale, the said James Campbell, who then was a judgment creditor of the said Sugar River Valley Railroad Company, duly acquired all the premises, property, rights, privileges, franchises, etc., and all the rights, title and interest therein acquired at the said sale by the said John D. Gurnee, by paying to him the sum of money which was paid on the sale of said premises, etc., together with interest thereon at the rate of seven per cent. a year from the time of such sale, and thereafter the same were by the sheriff of said county of Columbia, duly conveyed to the said James Campbell, on or about the fourth day of April, A. D. 1870, which said sales, payments and conveyances were made pursuant to the statutes in such cases made and provided; and

WHEREAS, Excepting to the extent of the consideration of the said sales aforesaid judgments and each of the same are wholly due and unpaid; and

WHEREAS, Under and in pursuance of the provisions of chapter 117, of the private and local laws of Wisconsin for the year 1870, the Madison and Portage Railroad Company has been duly organized with all the powers, privileges, rights, property and interest therein expressed, to which reference is made, and the said James Campbell has duly conveyed to the said Madison and Portage Railroad Company, all the premises, property, rights, privileges, franchises, etc., acquired by him under the sheriff's deeds; and

WHEREAS, At a special meeting of the stockholders of the said Sugar River Valley Railroad Company duly called and held in the town of Albany, in the county of Green, aforesaid, on the 29th day of July, 1870, at which a majority of all of the stock issued by said company was represented, a resolution was adopted by a vote of from four hundred and fifty-three to four, authorizing and empowering the directors of said company in substance to cause to be made, executed and delivered, all necessary agreements, conveyances and writings whereby the said Sugar River Valley Railroad Company shall release, quitclaim, assign, transfer and convey unto the said Madison and Portage Railroad Company, all its rights, title and interest in and to the premises, property, rights, etc., hereinafter in the body of this indenture described, upon condition that in consideration thereof the said Madison and Portage Railroad Company shall, on its part, assume and agree to pay, and shall secure such payment to the satisfaction of the board of directors of said company of all of the aforesaid payments recovered against the said Sugar River Valley Railroad Company in the circuit courts of the counties of Dane and Rock, and in favor of William Milliken, Ezra Miller, James Campbell and the Bank of Madison, and amounting without interest to about the sum of \$5,233 ¹⁰/₁₀₀, and shall make, execute and deliver to said Sugar River Valley Railroad Company similar conveyances and writings passing to said company all its rights, titles and interests of, in and to that portion of the line of railroad, right of way and property of said company lying between the Milwaukee and Prairie du Chien Railway in the city of Madison, and the southern terminus of said Sugar River Valley Railroad, a part of which line was by the sheriff of Dane county conveyed to James Campbell, and by him to the said Madison and Portage Railroad Company; and

WHEREAS, Thereafter and by virtue of the authority so given, and of the authority and power given by law, at a meeting of the board of directors of the said Sugar River Valley Railroad Company duly called and held in the town of Albany aforesaid, on the said 29th day of July, A. D. 1870, resolutions were by the said board unanimously adopted, in substance authorizing and directing the making, executing and delivery of the mutual agreements, conveyances and writings described in the stockholders resolutions aforesaid; and

WHEREAS, Thereafter at a meeting of the board of directors of the Madison and Portage Railroad Company, duly called and held at Madison, on the 2d day of August, A. D. 1870, resolutions were by the said board unanimously adopted, in substance accepting the proposition contained in the aforesaid resolutions of the stockholders and directors of the Sugar River Valley Railroad Company and authorizing and directing the making, execution and delivery of the aforesaid mutual agreements, conveyances and writings; and

WHEREAS, Security for the payment of the aforesaid judgment in Dane

and Rock counties to the satisfaction of the directors of the Sugar River Valley Railroad Company has been given.

Now, therefore, This indenture made this ninth day of August, A. D. 1870, by and between the Sugar River Valley Railroad Company, party of the first part, and the Madison and Portage Railroad Company, party of the second part, witnesseth:

That the said Sugar River Valley Railroad Company, party of the first part, for and in consideration of the premises, and of the sum of one dollar, the receipt whereof is hereby acknowledged, hath sold, released, quitclaimed, assigned, transferred and conveyed, and by these presents doth sell, release, quitclaim, assign, transfer and convey unto the said Madison and Portage Railroad Company, party of the second part, and its successors and assigns forever, all the rights, titles and interests of the said party of the first part, of, in and to that portion of the line of railroad right of way and property of the Sugar River Valley Railroad Company, lying between the Milwaukee and Prairie du Chien Railway in the city of Madison and Portage City, to have and to hold the same, and all of the same, to the said Madison and Portage Railroad Company, its successors and assigns forever, with all the hereditaments and appurtenances thereunto belonging, and all rights, franchises and privileges, and all contracts and agreements thereunto appertaining.

In testimony whereof, the said party of the first part has caused its corporate seal to be hereunto affixed, and attested by its secretary, and this indenture to be subscribed officially by its president, this ninth day of August, A. D. 1870.

[SEAL.]

DAVID ATWOOD,
President Sugar River Valley R. R. Co.

In presence of
W. A. P. MORRIS,
B. J. STEVENS.

Countersigned and attested:
ALDEN S. SANBORN, *Secretary S. R. V. R. R. Co.*

STATE OF WISCONSIN—*Dane County*—ss.

On this ninth day of August, A. D. 1870, before me, the undersigned, a notary public in and for said county and state, personally came David Atwood, whom I know to be the person who executed the foregoing indenture as president of the Sugar River Valley Railroad Company, and whom I know to be such president, who by me being duly sworn, did then and there depose and say that he resides in the city of Madison, Wisconsin; that he is the president of the Sugar River Valley Railroad Company; that he signed the foregoing indenture as such president, and caused the common and corporate seal of said company, to him well known to be impressed upon and affixed thereto as the act and deed of said company, and that this indenture was so made and executed by order and authority of said company, for the uses and purposes therein mentioned. And at the same time and place, personally came Alden S. Sanborn, whom I know to be such secretary, who being by me duly sworn, did then and there depose and say, that he is the secretary of the Sugar River Valley Railroad Company; that he attested the seal on the foregoing indenture impressed and affixed, that he well knows the common and corporate seal of said company, and that the one impressed and affixed as aforesaid is such common and corporate seal; that he so attested the said seal, as the act and deed of said company, and by order and authority of said company for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal, this ninth day of August, A. D. 1870.

C. J. MARSHALL,
Notary Public, Dane County, Wis.

PORTAGE, STEVENS POINT AND SUPERIOR RAILROAD COMPANY, AND PORTAGE, WINNEBAGO AND SUPERIOR RAILROAD COMPANY.

CONSOLIDATION.

These articles of consolidation made and entered into this 23d day of November, A. D. 1870, by and between the Portage, Stevens Point and Superior Railroad Company, party of the first part, and the Portage, Winnebago and Superior Railroad Company, party of the second part, witnesseth:

That the said party of the first part, a corporation duly incorporated and organized by and under the laws of the state of Wisconsin, and as authorized by its acts of incorporation by its President, W. W. Corning, duly authorized, and subject only to the approval of a majority of its board of directors, for and in consideration of the covenants and agreements herein contained to be kept and performed by and on the part of the party of the second part, has covenanted and agreed and does hereby covenant and agree to assign, transfer to and consolidate with, and does hereby assign and transfer all its rights, powers, privileges, stock and franchises to and thereby become consolidated with the said party of the second part and covenants and agrees that the said party of the second part by and under its name aforesaid, or by whatever name it may hereafter become known, and its successors and assigns shall have the right to take and may take, have, hold, exercise and enjoy all and singular the said rights, powers, privileges, stock and franchises as absolutely and completely as though directly granted to and conferred upon it by law, upon the conditions and of the covenants and agreements herein on its part to be kept and performed.

The said party of the second part, as authorized by law by its President, Geo. Reed, thereto duly authorized, for and in consideration of the said covenants and agreements and of the said assignment and transfer to it of the said rights, powers, privileges, stock and franchises, hereby covenants and agrees that said rights, powers, privileges, stock and franchises are taken and are to be held, exercised and enjoyed by it and its successors and assigns for the purpose of carrying into effect the covenants and agreements herein on its part contained, and upon the terms, conditions and limitations following to-wit:

First. That immediately after the ratification of these articles by a majority of the board of directors of the said party of the first part, the said party of the second part shall at its own cost and charge cause to be commenced under the direction of competent engineers, a survey of the line of railroad on the most direct feasible route between Portage City and Stevens Point and have the same diligently prosecuted to completion, and complete and proper estimates of the cost of the construction of the track thereon, made by the said engineers within ninety days from the time of the ratification aforesaid.

Second. That said party of the second part shall as soon as practicable after the location of the said line of railroad has been made, submit to such municipal corporations on the route of said road, as authorized by law and as it may deem advisable, propositions for aid towards the construction of said road and the procuring of the right of way and depot grounds therefor; and as soon as such right of way and depot grounds have been secured and a reasonable amount of said aid has been assured to said party of the second part, the work of construction of the track of said road shall be commenced, and the same fully completed ready for the laying of the ties and iron rails thereon within one year from the first day of June next: and that the iron shall be laid thereon and cars run over the same within two years from the said ratification hereof.

Third. That on the failure by the said party of the second part to perform any one of the said covenants, on its part, herein contained, the said party of the first part shall have the right, on twenty days' notice, and on payment to the said party of the second part, its successors or assigns, all such sums of money as shall have been reasonably expended by it or them, the said successors or assigns, in or about the construction of said track of railroad, to

resume, retake, have, hold and enjoy, all and singular, the said rights, powers, privileges, stock and franchises, do as aforesaid, and hereby transferred by it to the said party of the second part as fully and completely as though these articles had not been entered into by said parties.

Lastly. It is hereby mutually agreed by and between the parties hereto, that in the event of any disagreement arising under these articles, the same shall be settled and determined by arbitrators, one to be selected by each party, and in case the two so selected shall not be able to agree, then the two so selected shall select the third, and the decision of a majority of them shall be binding and conclusive between the said parties.

In testimony whereof, the parties have caused these presents to be signed by their respective presidents, and their official seals to be hereto affixed the day and year first above written.

[SEAL.]

W. W. CORNING,
President P., S. P. & S. R. R. Co.

[SEAL.]

GEO. REED,
President P., W. & S. R. R. Co.

In presence of
M. WADLEIGH.

We, the undersigned, directors in the Portage, Stevens Point & Superior Railroad Company, and a majority of them, hereby approve and ratify and confirm the foregoing articles of consolidation, this 8d day of December, A. D. 1870.

W. W. CORNING,
G. L. PARK,
ROBT. COCHRAN,
A. J. TURNER,
S. A. PEASE.

In presence of
M. WADLEIGH.

Resolved, That the articles of consolidation entered into between the Portage, Stevens Point & Superior Railroad Company, and the Portage, Winnebago & Superior Railroad Company, by the presidents of said companies respectively, bearing date November 23, 1870, be and the same are hereby ratified by the directors of the Portage, Stevens Point & Superior Railroad Company.

Adopted December 8, 1870.

S. A. PEASE,
Secretary of Portage, Stevens Point & Superior R. R. Co.

WISCONSIN CENTRAL RAILROAD COMPANY, AND MANITOWOC
AND MINNESOTA RAILROAD COMPANY.

CONSOLIDATION.

Articles of consolidation, made and entered into this first day of July A. D. 1871, between the Wisconsin Central Railroad Company, a corporation existing under and by virtue of the laws of the state of Wisconsin, party of the first part, and the Manitowac and Minnesota Railroad Company a corporation existing under and by virtue of the laws of said state, party of the second part-

WHEREAS, the said parties are authorized by act of the legislature of the said state to effect a union of their respective roads and properties, and to form by consolidation of their corporate rights, one company and have agreed so to do upon the terms and conditions hereinafter mentioned and contained.

Now therefore this agreement witnesseth, that the said Wisconsin Central Railroad Company, party of the first part, and the Manitowoc and Minnesota Railroad Company, party of the second part, do hereby mutually agree to consolidate, and do hereby unite, combine and consolidate all and singular the rights, privileges, franchises, immunities and property of the parties respectively into one company to be hereafter known and designated by the corporate name and title of the Wisconsin Central Railroad Company, under and pursuant to the laws of the state aforesaid, which consolidated company hereby formed shall henceforth have and possess all and singular the rights, powers, franchises, immunities, privileges, land or property which are or have been heretofore conferred by law upon, or acquired by said parties respectively:

And in pursuance of the provisions of the charters, enactments and laws of the state aforesaid, the said parties do hereby prescribe the terms and conditions of the said consolidations, and do respectively agree thereto and to the mode of carrying the same into effect, which terms and conditions are as follows, to wit:

ARTICLE FIRST. The number of directors of the consolidated company hereby formed shall be nine, unless a different number shall be ordered in pursuance of law hereafter enacted. The first election of directors shall be held on the day upon which the election of directors, of the said party of the first part, is now provided to be held by the by-laws of the said party of the first part, and in the mean time and until such election shall be held, Geo. Reed, Matthew Wadleigh, and Curtis Reed, present directors of the party of the first part, and Gardner Colby and Samuel Gould present directors of the party of the second part, and Charles L. Colby and Elbridge G. Roberts of the city of New York, Elijah B. Phillips of the city of Chicago, state of Illinois, E. E. Barney of Dayton, state of Ohio, shall be directors of the consolidated company, and Gardner Colby shall be and remain the president, Geo. Reed shall be and remain the vice president and general solicitor, Samuel H. Walley of Boston, Massachusetts, the treasurer, and Frank W. Webster the secretary of the said consolidated company, and Gardner Colby, Geo. Reed and Elijah B. Phillips shall be and remain the executive committee, and such officers and committee may exercise the present powers of the officers and executive committee of the party of the first part, in respect to the joint property and business until the election of directors of the said consolidated company shall be held as hereinbefore provided.

Article Second. The vice president may also exercise the powers conferred upon the president by the by-laws of the company, party of the first part hereto, and by resolutions of its board of directors, heretofore adopted in relation to the survey and location of its lines of road to the procuring of the rights of way and depot grounds, and to the obtaining from persons or parties, and from municipal or other corporations, and towards or in consideration of the construction of its roads or portions thereof.

Article Third. When any vacancy shall occur by the resignation or death of any of the aforementioned directors, officers or committee, the same may be filled by order of the majority of the board of directors remaining at a meeting duly called, as provided by the by-laws of the company.

Article Fourth. All the by-laws, rules and regulations of the party of the first part, are to remain in force until duly changed or modified, and to be obligatory so far as applicable and not repugnant to the provisions of this agreement.

Article Fifth. The common seal of the consolidated companies shall be the seal now used by the party of the first part hereto, unless the same shall be hereafter changed or authorized by law.

Article Sixth. All rights of creditors, and all liens upon the property of either of the said corporations, parties hereto, existing at the date of this agreement, shall be and are hereby declared to be personal and not impaired by anything herein contained, and all just debts, guarantees and liabilities existing against either of the parties hereto, shall be and are hereby assumed and agreed to be provided for, paid and discharged by the consolidated company hereby formed.

Article Seventh. This consolidation shall take effect and go into operation immediately upon the due execution of these articles.

In testimony whereof, the said parties of the first and second parts, have caused their respective common and corporate seals to be hereto affixed, and the same to be signed by their respective presidents on the day and year first above written.

[SEAL.]

GEO. REED,
President Wisconsin Central Railroad Company.

[SEAL.]

GEO. REED,
President Manitowoc and Minnesota Railroad Company.

**MADISON AND PORTAGE RAILROAD COMPANY AND THE
ROCKFORD CENTRAL RAILROAD COMPANY.**

CONSOLIDATION.

Articles of agreement and consolidation made this sixth day of December, A. D. 1871, by and between the Madison and Portage Railroad Company, party of the first part, and the Rockford Central Railroad Company party of the second part, witnesseth:

WHEREAS, The said party of the first part, The Madison and Portage Railroad Company, is a corporation created and existing under the special laws of the state of Wisconsin, having duly perfected and preserved its organization with the powers, rights and privileges in said laws defined, and the said party of the second part, the Rockford Central Railroad Company is a corporation created and existing under a special law of the state of Illinois, having duly perfected and preserved its organization, with powers, rights and privileges in said law defined; and

WHEREAS, The said parties of the first and second parts hereto, are desirous of uniting and consolidating with each other, and are duly authorized by law to effect such consolidation as hereinafter provided, and all needful legislation is to be applied for to more effectually confirm such powers and privileges; and

WHEREAS, The said parties of the first and second parts hereto, have agreed upon the terms and conditions hereinafter set forth as the terms and condition of such union and consolidation, and fixed upon and regulated the proceedings for the purpose of such consolidation by the by-laws duly established by them respectively, and these articles are framed and executed in pursuance of such by-laws; and

WHEREAS, The terms of such union and consolidation have been approved of and assented to by the stockholders of the respective parties hereto in interest, in person or by proxy in full compliance with the provisions of law relating thereto; and

WHEREAS, The said party of the first part has and is to become vested with all the railroad property, franchises, privileges and rights formerly held by the Portage, Friendship, Grand Rapids and Stevens Point Railroad Company by consolidation with the said company duly made and to be confirmed.

Now, therefore, this agreement witnesseth: That in consideration of the mutual agreement, covenants, promises and grants herein contained, the said parties of the first and second parts hereto, do by these presents, unite, merge, combine and consolidate their respective capital stocks, franchises, grants, immunities, privileges, capacities, properties and rights of every name and nature into one company, to be called and known by the corporate name and style of the "Chicago and Superior Railroad Company," which said consolidated company shall from henceforth have and possess all and singular the rights, franchises, powers, immunities, privileges and capacities which are or have been granted to or conferred upon or possessed or enjoyed by either of the said parties hereto, by or under the laws or enactments of the said state of Illinois or Wisconsin, or of either of the said states.

And this agreement further witnesseth, that the said parties of the first and second parts hereto have agreed upon, and by these presents do agree upon and prescribe the following as the terms and conditions of such union and

consolidation, which terms and conditions the said parties of the first and second parts mutually covenant, promise and agree to observe, keep and perform, namely:

Article First. James Campbell, Oscar D. Peck, Winslow Bullen, Robert B. Sanderson, David Atwood, Harvey D. Moore, Robert P. Lane, Ralph Emerson and George Youngs shall be the first directors of the said consolidated company, and shall act as such until the next annual election of directors, as is herein prescribed, and until their successors are duly elected.

Article Second. The number of directors of the said consolidated company shall be not less than seven, until the same shall be lawfully changed by competent authority. The number for any year, within such limits as are established by law, may be fixed at the annual or any regularly called meeting of the stockholders by a resolution adopted at such meeting.

Article Third. The regular annual meetings of the stockholders of the said consolidated company, for the purpose, among others, of electing directors, shall be held on the second Wednesday of January of each year, and the first meeting on the second Wednesday of January, A. D. 1873, with the right, on the part of the board of directors to change the time of meeting, if or when authorized by law. Special meetings may be called at any time by a majority of the board of directors. The board of directors of the said consolidated company, without delay, shall appoint all necessary officers, and shall adopt as the by-laws of such company the by-laws heretofore adopted, with a view to consolidation by the said parties of the first and second parts hereto, and may alter the same from time to time as they think proper.

Article Fourth. The corporate seal of the said consolidated company shall be a die or stamp with an impression thereupon, whereby such impression can be given to paper with or without the use of wafers, wax or adhesive substance, which impression shall be name of the company, and the figures 1871, until otherwise ordered by the board.

Article Fifth. The common stock of the present The Madison and Portage Railroad Company, and the common stock of the Rockford Central Railroad Company, all of the same having been issued at or reduced to a rate not exceeding ten thousand dollars per mile, shall be convertible into the common stock of the consolidated company, dollar for dollar, at such times and in such manner, as the issue of such consolidated stock is authorized by the next succeeding article. The president and secretary of each of the said companies may certify to the shares of the full paid stock of such company.

Article Sixth. The capital stock of the said consolidated company is hereby declared to be the aggregate of the stocks, which the respective parties hereto were authorized to create by virtue of the laws or enactments applicable thereto, or which the consolidated company is authorized to create by virtue of the act of consolidation, or the laws authorizing the same, all of which powers are hereby expressly preserved to the consolidated company: *provided*, that until the board of directors shall, by resolution adopted by a two-thirds vote, otherwise direct, the issue of the capital stock of such consolidated company, shall be limited to an amount equal to two thousand dollars per mile upon the length of its constructed railroad, and when directed by resolution as aforesaid, the stock above two thousand dollars a mile shall only be issued for the common and proportionate benefit of each and all of the several sections of said road, and the said stock under and up to two thousand dollars a mile shall only be issued according as, and not faster than, the construction of the said road progresses.

No stock, except full paid stock, shall be voted upon at any stockholders' meeting of the consolidated company.

The capital stock of the said consolidated company appertaining to the several sections of said railroad hereinafter defined, with the exception of the sections from Madison to Portage already issued, and the full paid stock heretofore or hereafter to be issued by the said The Rockford Central Railroad Company may be withheld until the interests of said sections respectively shall require the issue thereof, from time to time in order to accomplish an exchange, sale or other proper object.

The shares of the capital stock of said company shall be one hundred dollars.

Article Seventh. The consolidated company for the purpose of aiding in

the construction, equipment and and improvement of the road, shall issue its bonds in amount equal to twenty thousand dollars per mile of its road, and to secure the same shall execute its first mortgage or deed of trust upon its line of railroad, franchises, rights, and the property of every kind and description, which now at the date of these articles is or hereafter may be acquired for the use of such railroad in its construction, repair, operation and management, and which is or may be appurtenant thereto, excepting as in these articles otherwise provided. It shall be competent to include in said mortgage or deed of trust, all or any part of the franchises, rights and property of such consolidated company, whether above described or not, and by the foregoing or any other suitable description of premises. It shall also be competent to execute a separate mortgage upon the section between Portage and Oshkosh or any part thereof, to secure a separate issue of bonds. The said mortgage or deed of trust first aforesaid shall contain provisions to the effect as follows, to-wit: That to the extent necessary the bonds to secure which the said instrument is executed, and the full proceeds of the sale thereof, shall stand pledged to the construction and equipment of the several sections of said consolidated railroad as follows, to-wit: Bonds at the rate of twenty thousand dollars per mile, not to exceed fourteen hundred and sixty (1460) to the section from Mendota the state line, nine hundred (900) to the section from the state line to Madison, eight hundred (800) to the section from Madison to Portage. The necessary amount of said bonds last named to be held for the purpose of taking up or exchanging the same for the bonds of the present The Madison and Portage Railroad Company which bear date on the first day of October, A. D. 1870, and were used in the construction of and are now secured upon the said section from Madison to Portage, and eighteen hundred and forty (1840) to the section from Portage to the connection with the Wisconsin Central Railroad beyond Grand Rapids. That the bonds so pledged to any of the unconstructed sections of said railroad shall not be sold or used until the construction of such section be commenced, and as the work progresses, may be used, provided that no more bonds shall be used in the construction and equipment thereof, than at the rate in bonds at their face of twenty thousand dollars per mile, and in case the said consolidated company shall for five years from the date of such bonds, fail or neglect to undertake the construction of any one or more of the before mentioned sections, or sooner by a resolution of its board of directors shall declare its intention not to so construct one or more of said sections or some part thereof, it shall thereupon be the duty of the trustees in said instrument named unless just and sufficient reasons to the contrary shall exist, to cancel, destroy or retire the bonds so pledged to the construction of such section or sections, or part thereof, and to place or hold the receipts of any that may have been sold for the benefit of the owners thereof, and it shall also be the duty of said trustees, subject to the qualification aforesaid, to so cancel and destroy the proper number of said bonds in case the length of any of the unconstructed sections of said road, shall after location, prove to be less than the estimates hereinbefore given.

In order more effectually to secure the said bonds of the consolidated company first aforesaid, and to avoid any doubts that may arise affecting the sufficiency of the consolidation hereby made, it is provided and agreed, that the organization of each of the companies, parties hereto, shall be sufficiently preserved and continued to enable each of them to make and execute its separate mortgage as follows: And parties hereto, in consideration of the promises, do mutually agree to and with each other, that each of said companies will duly make and execute its mortgage or deed of trust to secure the entire issue of the said bonds of the consolidated company in like form, with the mortgage aforesaid, and upon all of the property, franchises, etc. covered thereby, and which prior to the consolidation were vested in such companies.

Article Eight. In order properly and proportionately to protect the parties interested in the different sections of said road, respectively, it is provided that the said issue of bonds of the consolidated company shall be held by the said company or by the trustee named in such bonds, in trust for the uses and upon the conditions mentioned in the aforesaid article and upon the further conditions following, to-wit: That if the said bonds are not and cannot be sold after a reasonable time, not less than six months from the issue there-

of, or in case proceedings to foreclose or enforce collection be undertaken, or seriously threatened upon the portion of such bonds, if any as may be so changed for the bonds of the Madison and Portage Railroad Company now outstanding, then and in such case, unless otherwise directed by the parties interested in the different sections, respectively, the company or trustee shall deliver to the parties interested in the different sections respectively, or to other parties in trust for them, an amount of bonds bearing the same proportion to the whole amount of bonds appertaining to such section, that the cash value of the work done and materials furnished upon such section bears to the cash value of the whole of the work and materials necessary for the completion and equipment of such section. All necessary agreements to carry out the conditions aforesaid, shall be made. The value of the work done and materials furnished shall be estimated by the chief engineer of the consolidated company, and in case of dissatisfaction, by three experts, one of whom shall be such engineer. The said mortgage or deed of trust first aforesaid, may also contain all such other provisions for the benefit of the bondholders ordinary and extraordinary as shall be deemed advisable and shall be lawful.

Article Ninth. The claim of the present, The Madison and Portage Railroad Company to a land grant for the section of said road from Madison to Portage, if at any time allowed by the department or congress, in whole or in part shall belong to such section, exclusively, the same having been used in the construction thereof. It is hereby understood and agreed that all property and rights of property growing out of said land grant are now vested in the owners, legal and equitable, of the "Land Grant Scrip" so called, heretofore issued by the Madison and Portage Railroad Company. That the said company has executed an instrument purporting to convey in trust for such scrip-holders, all right, title and interest in and to the grant of said land aforesaid. That in case the said instrument shall be or at any time become ineffectual to transfer the same, the said consolidated company shall cause to be executed all proper instruments and writings, which in the opinion of counsel learned in law, shall be deemed necessary to carry into effect the true intent and meaning of such instrument. In case the land grant appertaining to the section of road of the Wisconsin Central Railroad Company, reaching from Portage to Ripon shall be acquired by the said consolidated company, the same when fully earned by the construction of the road, shall belong to the said consolidated company, and not to the section between Portage and Oshkosh, exclusively.

Article Tenth. The existing obligations and liabilities heretofore entered into, assumed or agreed to by either of the parties of the first or second part hereto, shall be faithfully observed, fulfilled and discharged by the consolidated company hereby created.

Article Eleventh. Consent and approval is hereby given to the consolidation or agreement of purchase and sale between the present, The Madison and Portage Railroad Company, and the said, The Portage, Friendship, Grand Rapids and Stevens Point Railroad Company, heretofore made, and to all such further acts and investments, if any, which shall be done and executed in order fully and sufficiently to confirm and render effectual the consolidation or purchase so made.

And these presents further witnesseth, that the said party of the first part, in consideration of the premises and of the sum of one dollar duly paid by the party of the second part, the receipt whereof is hereby acknowledged, doth hereby grant, convey, assign, set over to and vest in said consolidated company for the purposes of such consolidation, and subject to the conditions and qualifications in the foregoing articles named, all the railroads of the said party of the first part and all the equipments, implements and materials used and acquired therefor, and the rights, privileges, immunities, franchises, powers, and all the lands, rights to lands, and property, money and effects, real and personal and mixed, and all rights of actions and things of every name and nature now held or owned by the said party of the first part, or in or to which the said party of the first part hath any right, title, interest or claim either in law or equity. And the said party of the second part, in consideration of the premises and of the sum of one dollar to it paid by the party of the first part, the receipt whereof is hereby acknowledged, doth hereby grant, convey, assign, set over to and vest in said consolidated com-

pany for the purposes of such consolidation, all the railroads of the said party of the second part, and all the equipments, implements and materials used or acquired therefor, and the rights, privileges, immunities, franchises, powers, and all the lands and rights to lands and property, money and effects, real, personal and mixed, and all rights of action and things of every name and nature now held or owned by the said party of the second part, or in or to which the said party of the second part hath any right, title, interest or claim, either in law or equity.

And these presents further witnesseth, that the said parties of the first and second parts hereto, for and in consideration of the premises, do hereby covenant and agree, to and with each other, that they and each of them will faithfully and diligently apply in their respective states for all needful legislation to more effectually ratify, confirm and establish the consolidation hereby made. And that they, the said parties of the first and second parts, for and in consideration of the premises, and of the sum of one dollar by each paid to the other, the receipt of which by each is hereby duly acknowledged, hath covenanted and agreed, and hereby doth covenant and agree, to and with each other, that in case at any time it shall appear that these articles and agreements of consolidation are or shall become inoperative or ineffectual to accomplish the true intent and purpose of the parties hereto, herein expressed, that the one of said parties upon whose present lines of road there shall then be constructed the least number of miles of railroad, shall upon demand, without delay, cause to be executed and delivered to the other of said parties, all instruments or papers deemed necessary or proper by counsel learned in the law, whereby it shall transfer to such party, as fully as it shall then be able, all or any part of its railroads, franchises, rights and property described in the mortgage hereinbefore mentioned, given by such party to secure the said issue of bonds, which transfer shall be by deed of conveyance, lease, agreement for connections or otherwise, as shall best express and carry out the present intent and purpose of the parties hereto, herein expressed, and shall best protect the holders of the bonds issued, or to be issued, as herein provided for.

And the said parties of the first and second parts, in consideration of the premises, do mutually agree and declare that the said consolidation shall take effect, and the said consolidated company shall go into operation immediately upon the due execution of these articles, etc.

And the board of directors of the said consolidated company shall have full powers to carry the said consolidation into effect by all necessary or proper acts or things for that purpose.

In testimony whereof, the said parties of the first and second parts have caused their respective common and corporate seals to be hereunto affixed and the same to be attached, and these presents subscribed by their respective presidents and secretaries on the day and year first above written, and the remaining directors of each of said companies have also hereto set their hands the day and year first above written.

[SEAL.]

JAMES CAMPBELL,
Pres't Madison and Portage R. R. Co.

In presence of
ROBERT H. TINKER.

Attest: ALDEN S. SANBORN,
Secretary Madison and Portage R. R. Co.

[SEAL.]

R. P. LANE,
Pres't Rockford Central R. R. Co.

In presence of
JAMES FERGUSON,

Attest: HOSMER P. HOLLAND,
Secretary Rockford Central R. R. Co.

JAMES CAMPBELL,
R. B. SANDERSON,
DAVID ATWOOD,
WINSLOW BULLEN,
O. D. PECK,
Directors Madison and Portage R. R. Co.

JAMES R. YOUNG,
 ROBERT P. LANE,
 ROBERT H. TINKER,
 GEORGE YOUNG,
 WILLIAM L. LATHROP,
 S. D. KIMBARK,
 S. W. CHURCH.
 THOS. D. ROBERTSON,
 RALPH EMERSON,
Directors Rockford Central R. R. Co.

STATE OF WISCONSIN—County of Dane—ss.

Be it known that on the fourth day of January, A. D. 1872, before me Sidney Foote, a notary public in and for the state of Wisconsin, duly appointed and qualified, personally approved the Madison and Portage Railroad Company, by James Campbell, president, and Alden S. Sanborn, secretary, thereof, who are personally known by me to be the same persons who executed the foregoing instruments as such president and secretary respectively, and having been by me first severally sworn, the said James Campbell did depose and say that he is the president of the said The Madison and Portage Railroad Company; that the seal affixed to said instrument and purporting to be the seal of the said company is the common and corporate seal of the said The Madison and Portage Railroad Company, and that said instrument has duly signed by him for and in behalf of said company as the president thereof, and as the free act and deed of the said company under due authority and direction of the board of directors of said company, for the uses and purposes therein set forth.

And the said Alden S. Sanborn did depose and say that he is the secretary of the said The Madison and Portage Railroad company, and the keeper of the corporate seal thereof, and that he duly signed said instrument as such secretary and affixed the corporate seal of the said company thereto by authority of the board of directors of the said company.

And be it further known that at the same time and place appeared before me James Campbell, R. B. Sanderson, O. D. Peck, David Atwood and Nelson Bullen whose names are subscribed to the foregoing agreement and severally acknowledged that they signed and executed the same freely and voluntarily for the uses and purposes therein expressed.

In testimony whereof I have hereunto set my hand and affixed my notarial seal, the day and year last above mentioned.

SIDNEY FOOTE,
Notary Public, Wis.

STATE OF ILLINOIS—County of Winnebago—ss.

Be it known, that on the ninth day of December, A. D. 1871, before me, James Ferguson, a notary public in and for the city of Rockford, in said county, in the state of Illinois, duly appointed and qualified, personally appeared the Rockford Central Railroad Company, by R. P. Lane, President, and Hosmer P. Holland, Secretary thereof, who are personally known to me to be the same persons who executed the foregoing instrument as such President and Secretary respectively, and having been by me first severally duly sworn, the said R. P. Lane did depose and say, that he is the President of the said The Rockford Central Railroad Company; that the seal affixed to said instrument and purporting to be the seal of the said company, is the common and corporate seal of the said, The Rockford Central Railroad Company, and that said instrument was duly signed by him for and in behalf of said company, as the President thereof, and as the free act and deed of the said company under due authority and direction of the board of directors of said company for the uses and purposes therein set forth. And the said Hosmer P. Holland did depose and say that he is the Secretary of the said, The Rockford Central Railroad Company, and the keeper of the corporate seal thereof, and

that he duly signed said instrument as such Secretary, and affixed the corporate seal of the said company thereto by order and authority of the board of directors of the said company. And be it further known, that at the same time and place, appeared before me, R. P. Lane, James R. Young, S. M. Church, Robert H. Tinker, Thos. D. Robertson, R. Emerson, Geo. Youngs, S. D. Kimbark and Wm. Lathrop, whose names are subscribed to the foregoing agreement, and severally acknowledged that they signed and sealed the same freely and voluntarily, for the uses and purposes therein expressed.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal, the day and year last written above.

[SEAL]

JAMES FERGUSON,
Notary Public.

MODIFICATION OF ARTICLES OF CONSOLIDATION.

1

WHEREAS, Questions have arisen, both as to the force and effect of the following clause of the 8th article of the consolidation agreement between the Madison & Portage Railroad Company of Wisconsin, and the Rockford Central Railroad Company of Illinois, dated December 6, 1871, viz:

"That if the said bonds are not, and cannot be sold after a reasonable time, not less than six months from the issue thereof," and in order to avoid any embarrassment or question on account of the said clause, it is hereby mutually agreed by and between the Rockford Central Railroad Company and the Madison & Portage Railroad Company, by and with the express assent and agreement of the construction companies of said respective railroad companies, that any and all right to claim or receive bonds of the consolidated company by any and all parties, under and by virtue of the provision and words of said 8th article above quoted, are hereby expressly waived.

Witness the hands and seals of the parties hereto, this 8d day of January, A. D. 1872.

R. P. LANE,
President R. C. R. R. Co.

HOSMER P. HOLLAND,
Secretary R. C. R. R. Co.

JAMES CAMPBELL,
President M. & P. R. R. Co.

ALDEN S. SANBORN,
Secretary M. & P. R. R. Co.

In presence of
J. WM. KAYSER,
J. C. SCHETTE.

JAMES R. YOUNG,
SENECA D. KIMBARK,
ROBERT H. TINKER,
Rockford Central Construction Co.

ANDREW PROUDFIT,
GEO. O. CLINTON,
C. F. THOMPSON,
Wisconsin Construction Company.

OFFICE OF THE CHICAGO & SUPERIOR RAILROAD COMPANY,

MADISON, May 17, 1872.

I, Alden S. Sanborn, Secretary of the Chicago & Superior Railroad Company, do hereby certify that the foregoing is a true copy of an agreement executed by the above parties, now on file in this office.

Witness my hand, and the corporate seal of said Chicago & Superior Railroad Company, May 17, 1872.

ALDEN S. SANBORN,
Secretary Chicago & Superior R. R. Co.

LEASES.

MADISON AND PORTAGE RAILROAD TO MILWAUKEE AND ST. PAUL COMPANY.

PRESIDENT CAMPBELL TO PRESIDENT MITCHELL.

NEW YORK, 26th March, 1871.

HON. ALEX. MITCHELL, *President Mil. and St. Paul R. R. Co.:*

DEAR SIR: Will you have the kindness to inform me on what terms your company would be willing to take possession of, and operate the Madison and Portage Railroad.

Yours, truly,

JAMES CAMPBELL,
President Madison and Portage R. R. Co.

PRESIDENT MITCHELL TO PRESIDENT CAMPBELL.

MILWAUKEE AND ST. PAUL RAILWAY,
NEW YORK, 24th March, 1871.

JAMES CAMPBELL, Esq., *President Madison and Portage Railway Co.:*

DEAR SIR: Your letter inquiring on what terms the Milwaukee and St. Paul Railway Company would be willing to take possession of and operate the Madison and Portage Railroad, is received. In answer, I state, that the Milwaukee and St. Paul Company are willing to take possession of, and operate said road on the following terms, namely:

The earnings of the road shall be applied:

1. To the payment of operating expenses, including repairs and renewals of road-bed and equipment, and your company shall have the right to audit the accounts.

2. Any excess after paying operating expenses shall be applied by the Milwaukee and St. Paul Company to payment of interest on the present mortgage debt of the Madison and Portage Railroad Company.

3. Any excess after paying operating expenses and interest as above, shall be divided equally between our two companies.

And the occupation and operation of the road under this proposal may be terminated by either party on notice of 30 days.

Yours truly,

ALEX. MITCHELL, *President.*

PRESIDENT CAMPBELL TO PRESIDENT MITCHELL.

NEW YORK, 24th March, 1871.

HON. ALEX. MITCHELL, *Pres. Milwaukee and St. Paul Railway Company:*

DEAR SIR:—Your letter in answer to mine of this date, stating on what

terms your company are willing to operate the Madison and Portage Railroad, is received, and on due consideration of the matter, your offer is accepted, and your company may take possession of the road as soon as your General Manager can make the necessary arrangements.

I am yours truly,

JAMES CAMPBELL,
Prest. Madison and Portage R. R. Co.

**LEASE OF MILWAUKEE & NORTHERN TO WISCONSIN CENTRAL,
NOVEMBER 8, 1873.**

[ABSTRACT.]

All road from Milwaukee to Green Bay, with branch to Menasha. Subject to a mortgage of M. & N. Co. to Jesse Hoyt and A. W. Greenleaf, trustees, to secure first mortgage bonds, which are issued or to be issued at the rate of \$18,000 per mile, and no more, dated Dec. 1, 1870 (recorded in office of Secretary of State).

To have and hold for 999 years, from November 30, 1873.

Rent as follows: For each year wherein the gross earnings from Milwaukee & Northern shall exceed one million dollars, thirty per cent. of said gross earnings; for each year said gross earnings shall exceed \$800,000, 33 per cent. of said earnings; when earnings less than \$800,000, 35 per cent. of said earnings. To render account for each half year ending May 31 and November 30, as soon as can be made up. Upon the 1st day of February and 1st day of each following month, the Central shall pay rent so approximated, at the rate of 35 per cent., until earnings show a warrant for a lower rate, to a joint trustee, to keep the same until the interest is next due upon bonds, and then to apply the said amount to said interest; surplus to be paid to Milwaukee & Northern, unless said surplus is due the Central for advances hereinafter provided. Wisconsin Marine and Fire Insurance Co. Bank to be trustee.

Gross earnings mean gross receipts, less taxes. Central to pay taxes.

Milwaukee & Northern to complete certain constructions, repairs, etc.

Central to pay all bonds at 8 per cent. interest at maturity, and may re-bond the road for same, but not greater amount, for that purpose.

Milwaukee & Northern agrees to issue new bonds, or other means, for laying an additional track, whenever the Central shall request, and business requires. Central shall pay interest on the new bonds in same manner as on first bonds.

Milwaukee & Northern will pay for permanent improvements, in case it takes possession by lapse of lease.

Central is to keep the road in good repair, etc.

Earnings to be estimated proportionately to distance.

Central to pay all interest, and if amount exceeds dues, then coupons to be held as security.

**THE NORTHWESTERN UNION TO THE CHICAGO AND NORTH-
WESTERN RAILROAD COMPANY.**

COPY OF LEASE.

This indenture, made and executed this seventh day of May, A. D. 1872, by and between the Northwestern Union Railway Company, of Wisconsin, a

body corporate, incorporated under and in pursuance of the laws of the state of Wisconsin, party of the first part, and the Chicago and Northwestern Railway Company, party of the second part, witnesseth:

1. That the said party of the first part, for and in consideration of the covenants and agreements herein contained, to be performed and kept by the said party of the second part, doth by these presents grant, demise and lease to the said party of the second part, its successors and assigns, the entire line of railroad now in process of construction, and which is to be constructed from the city of Milwaukee to a junction with the railway of the party of the second part, at or near the city of Fond du Lac, in said state of Wisconsin, with a branch from a point at or near Mayfield, Washington county, Wisconsin, to a connection with the railway of the second party, at or near the town of Lodi, Columbia county, Wisconsin; and also a branch about five miles in length from Iron Ridge, Dodge county, in said state, running in a southerly direction to a point of junction with the branch above described. Together with all the franchises, rights, possessions, and interests of the said party of the first part which it has, or may have, under and by virtue of its charter of incorporation, articles of association and the laws of the state of Wisconsin, or which it may in any manner hereafter acquire under or by virtue of any laws of said state, and all property which it may own or possess, whether real or personal, which is in any wise incident or appurtenant to said line of railroad so used as a part thereof, or in connection therewith, including all lands, buildings, fixtures and machinery, which the said party of the first part now has or may have, as incident or appurtenant to said line of railroad. To have and to hold the above mentioned property, rights, interests and privileges so above leased, or intended to be leased, unto the said party of the second part, its successors and assigns, for and during the full term of the corporate existence of the said party of the first part.

2. And the said party of the first part doth hereby covenant and agree, to and with the said party of the second part, that it will complete said railroad via West Bend, Washington county, to Fond du Lac aforesaid, on or before the first day of June A. D. 1873, and will, on or before the first day of Jan., A. D. 1874, fully complete the line of railroad above described and leased with a full and complete right of way, fully paid for, sufficient in width and extent for all the uses of said railroad, and also all necessary engine houses, warehouses, station houses, freight houses, switches, side tracks, turn tables, turn outs, depots and depot grounds, water houses and water tanks, and storage grounds necessary for the proper and convenient use and operation of the said line of railroad, but said party of the first part shall complete the same as much earlier than the time above limited as it can be done by the use of all proper and reasonable diligence for that purpose, and to deliver to said party of the second part the absolute and full possession of the line of railroad above leased, immediately upon the completion of the same, with all the franchises, property, rights, privileges and appurtenances thereto herein before specified.

3. And the said party of the first part further covenants and agrees with the said party of the second part, that it will preserve and continue the legal organization of the said The Northwestern Union Railroad Company of Wisconsin during the whole continuance of this lease, and it will for that purpose hold meetings, keep records and appoint officers, and do all other acts and things necessary to carry into full effect the provisions and objects of this agreement, and perpetuate its own corporate existence, and that it will, at any and all times hereafter, give and make such further and other conveyances, and assurances as may be proper and necessary to carry into full effect all the objects and purposes of this indenture, whenever required by the party of the second part.

4. And it is mutually agreed, by the parties hereto, that the said party of the first part may for the purpose of raising money for the completion of the line of railroad hereby leased issue its bonds for a sum not exceeding twenty five thousand dollars per mile of its said railroad and branches, which bonds shall be made payable on the first day of June A. D. 1917, and shall bear interest at a rate not exceeding seven per cent per annum, and shall be payable, principal and interest, in gold, free of United States taxes, and which shall be secured by a first mortgage upon the whole line of said railroad and

branches as aforesaid, with all the franchises and property of the said party of the first part.

5. And the said party of the second part, in consideration of the premises, hereby covenants and agrees, to and with the said party of the first part, that when the said line of railroad hereinbefore described and leased shall be fully completed in the manner aforesaid as a first class railroad, and the same shall have been accepted by it, it will equip the said road with all the engines, locomotives, passenger, freight, platform, gravel, wood and hand and other cars, reasonably necessary to transact all the business of said road, and to transport, without unreasonable delay, all the passenger and freight which may be offered for transportation over or upon the line of said road.

6. And that from the time the said road shall be completed as aforesaid, the said party of the second part will pay rent for the property herein leased, which rent shall be fixed at the rates and in the manner following, viz: out of the first fifteen hundred dollars per mile of gross earnings in each year, the party of the first part shall receive seven hundred dollars per mile, out of any excess of gross earnings in such year over the said fifteen hundred dollars per mile, until such excess shall reach three thousand dollars per mile, the said party of the first part shall receive thirty-three and one-third per cent. thereof as a further rental; and out of any excess over forty-five hundred dollars per mile of gross earnings in such year, the said party of the first part shall receive twenty per cent. thereof as a further rental.

7. The said party of the first part hereby covenants and agrees, that as soon as this agreement is executed and delivered by the party of the second part, it will issue and deliver to said party of the second part, for its own proper use, certificates of its capital stock equal in amount to one-half thereof, and will, in like manner, issue to said party of the second part, at any subsequent period, one-half of any further issue of its capital stock, both common and preferred, subject to such instalments as the said party of the first part may call thereon under the provisions of its charter and articles of association, not, however, in any case exceeding ten per cent. of the par value thereof; and in express consideration thereof, the said party of the second part covenants, agrees and guarantees that the minimum amount of rental above specified, for each and every year shall be sufficient to pay and satisfy the interest which shall accrue during each and every year upon the bonds that shall be issued by the said party of the first part, in accordance with the terms of this agreement, as hereinbefore stated. And in case the amount of rental as hereinbefore stated, accruing to the party of the first part, under the terms of this lease, shall not be found sufficient in amount in any one year to pay the interest on said bonds for said year, then and in that event the amount of rental which said party of the second part shall pay for that year shall be the sum which is required to pay the interest on said bonds, and no more; and any deficiency so paid by the party of the second part to satisfy the interest on said bonds, shall not be a charge upon the rental accruing to the party of the first part for any succeeding year.

8. An accurate account of gross earnings shall be made up at the end of each half year after the above railroad shall come into possession, and be accepted by said party of the second part under this agreement, and the rent for such half year shall be payable in the manner hereafter provided; that is to say:

First. In order to protect the property and franchises herein described in the possession of the party of the second part, by preventing any default in the payment of the interest upon the bonds aforesaid, the said party of the second part shall pay the interest coupons upon the bonds authorized to be issued herein as they shall severally become due, at its office or agency in the city of New York, upon presentation thereof, and such payments shall be taken as a payment upon the rental herein.

Second. If, after the payment of such interest coupons as aforesaid in any such half year, any balance should be due the party of the first part, under the provisions hereof, the party of the second part shall pay to the trustee named in said mortgage the amount then due and unpaid, for that or any previous half year, upon the sinking fund specified in the mortgage which shall be given to secure the payment of said bonds, or any part thereof.

Third. Any surplus rental, if any there be, shall be paid to the party of the first part within thirty days after the expiration of each year, such payments to be made at the office of the party of the second part in the city of New York.

Provided, however, That whenever it shall be reasonably apparent to the parties hereto that the amount of average yearly rental accruing under the terms of this lease to the party of the first part, shall be sufficient, from the earnings of the year, to pay the interest on the bonds aforesaid and the sinking fund for such year, then and in that event the party of the second part shall pay over to the party of the first part, within thirty days after the close of each and every half year, any surplus rental which shall remain, after payment or reservation of the half year's interest, and the amount then due upon said sinking fund.

All such payments shall be made free and clear of and from all taxes charges, impositions and assessments, and such rent shall be so paid during the whole of said term, notwithstanding any future action of either of the parties hereto, or of any majority of the respective stockholders thereof, as to and concerning any other matter herein contained. And in order to secure the individual interest of each stockholder of the party of the first part in and to the said rent, the right is hereby given to each and every stockholder to prosecute such suits as may be necessary in the premises to recover his proportionate amount thereof, using, if needful, the name of the corporation; and this provision may, if desired, be indorsed upon the certificate of stock issued by the party of the first part.

9. The said party of the second part further covenants and agrees that it will maintain the line of railroad hereby leased in good condition and repair, and will maintain the equipment thereof in a suitable and proper condition to transact all the business of said road during the continuance of this lease, and that it will operate the said line of railroad, at all times as the business of said road may require; and that it will keep in proper form the accounts of the business and operations of said line of railroad hereby leased, showing all the receipts to a participation in which the parties of the first part are entitled by their agreement and the source thereof; and a general and approximate abstract of the said business shall be made up as often as once a month, and that it will at all reasonable and proper times submit to the inspection of the said party of the first part, or its authorized agent, the books containing the entries of the gross receipts, and will give any needful and proper information as to the same.

10. Full statements showing the receipts and disbursements on account of the company, on, from and in behalf of the line of the railroad hereby leased, made in such form as to exhibit accurately the amount and character of the gross receipts of the railroad hereby leased, shall be delivered as often as once annually, if required, to the party of the first part, and the party of the second part shall, in due season, furnish to the party of the first part all such statements and information, so far as it may have the control thereof, which shall be necessary to enable the party of the first part to comply with any requirements of, and in the making of reports under its charter as required by the laws of the state.

11. And the said party of the second part does further covenant and agree that in regard to all fines and penalties imposed by law for the commission of any act prohibited, or the omission of any act or duty enjoined in the operation of said railroad, and in respect to all damages or injury to persons or property in anywise arising from the acts or negligence of the party of the second part or its agents, and in respect to damages or injuries to persons in anywise arising or accruing upon said road during its operation and management by the party of the second part, and generally in reference to all incidental and accidental risks and liabilities assumed by a railroad corporation owning and operating its road, the party of the second part shall become and it agrees to be liable to the same extent as if it were the actual owner of the line of railroad hereby leased, and to assume and pay all such demands and liabilities, and to protect the estate hereby leased against the effect, charge or lien of any judgment or decree rendered on account of such liability.

12. The party of the second part hereby agrees to pay all taxes which may be assessed by virtue of the laws of the state of Wisconsin, or the United

States, upon the property hereby leased, and to pay the same in proper time to prevent any incumbrance arising therefrom upon said leased estate.

13. And it is further agreed by the party of the second part, that all of its business to and from Milwaukee shall be done over the railroad of the party of the first part, in preference to other connecting lines which shall not be shorter than the railroad hereby leased, and in respect to all joint business transported on or over the railroads of the parties hereto, the basis of division shall not be less than *pro rata* per mile to the party of the first part. Such joint tariffs and schedules of price for such transportation shall be made and maintained by the party of the second part as shall best develop the joint and local business and secure to the parties hereto the greatest amount of earnings.

14. And the party of the first part covenants with the party of the second part that it is lawfully possessed of the premises hereby leased, and has full power to convey the same in manner and form aforesaid, and that the same in the quiet enjoyment of the party of the second part it will warrant and forever defend.

In witness whereof, the party of the first part, by its president and secretary, duly authorized thereto, has caused this indenture to be executed in the name and as the act and deed of the Northwestern Union Railway company, by the signature of said president, attested by the signature of the secretary, and have caused the corporate seal of said company to be duly hereto affixed.

And the party of the second part, by its vice president and secretary, duly authorized thereto, by the executive committee of their board of directors, who are vested with full power and authority in the premises, have caused this indenture to be executed in the name, and as the act and deed of the Chicago and Northwestern Railway Company, by the signature of said vice president, attested by the signature of its secretary, and have caused the corporate seal of said company to be duly hereto affixed.

[SEAL] *The Northwestern Union Railway Company by*
CHARLES J. L. MEYER, *President.*

Attest: JAMES COLEMAN, *Secretary.*

In presence of
W. C. DREW.
F. E. SNOW.

[SEAL] *Chicago and Northwestern Railway Company by*
M. L. SYKES, JR., *Vice President.*

Attest: A. L. PRITCHARD, *Secretary.*

Signed, sealed and delivered in presence of
CHARLES NETTLETON.
SAMUEL O. HOWE.

As to Charles J. L. Meyer, M. L. Sykes, Jr., and A. L. Pritchard.

STATE OF NEW YORK, *City and County of New York—ss.*

Be it remembered, that on this seventh day of May, A. D. eighteen hundred and seventy-two, before me, Charles Nettleton, a Commissioner in and for the said state, appointed by the governor of the state of Wisconsin to take acknowledgement and proof of deeds, etc., to be used or recorded in said state of Wisconsin, personally appeared Charles J. L. Meyer, the President of the Northwestern Union Railroad Company, who is to me personally known to be such, and being by me duly sworn, did depose and say: that he resided at Fond du Lac, in the state of Wisconsin, that he was the President of said company, and that he knew the corporate seal of said company, that the seal affixed to the foregoing instrument was such corporate seal, that it was so affixed thereto by order of the board of directors of said company, and that he signed his name thereto by the like order as the President of said company, and the said Charles J. L. Meyer also acknowledged to me that he had executed the said instrument, and that the same was his free act and deed, and

the free act and deed of said company for the uses and purposes therein mentioned. And on said seventh day of May, A. D. eighteen hundred and seventy-two, before me, also, personally appeared M. L. Sykes, Junior, the Vice President of the Chicago and Northwestern Railway Company, and A. L. Pritchard, the Secretary of the same company, who are to me respectively personally known to be such, and being by me severally duly sworn, they did depose and say: that he, the said M. L. Sykes, Junior, resided in New York, in the state of New York, that he the said A. L. Pritchard resided in Tarrytown, New York, that he the said M. L. Sykes, Junior, was the Vice President of said last named company; that he, the said A. L. Pritchard, was the Secretary of the same company, that they knew the corporate seal of said last named company, that the seal affixed to the foregoing instrument was such corporate seal, that it was so affixed thereto by order of the board of directors of said last named company, and that they signed their names thereto by the like order as the Vice President and Secretary of said last named company respectively; and the said M. L. Sykes, Junior, and A. L. Pritchard, also acknowledged to me that they had executed the said instrument, and that the same was their free act and deed, and the free act and deed of said last named company for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal.

[SEAL.]

CHARLES NETTLETON,
Commissioner for Wisconsin in New York.
117 Broadway, New York City.

STATE OF ILLINOIS—Cook County—ss.

Be it remembered, that on this eleventh day of May, 1872, before me, Anson B. Minor, a Notary Public in and for said state of Illinois, duly appointed and qualified, personally appeared James Coleman, Secretary of the Northwestern Union Railway Company, who is to me personally known to be such, and being by me duly sworn, did depose and say: that he resided at Fond du Lac, in the state of Wisconsin, that he was Secretary of said company, that he knew the corporate seal of said company, that the seal affixed to the foregoing instrument was such corporate seal, that it was affixed thereto by order of the board of directors of said company, and that he signed his name thereto by like order, as the Secretary of said company. And the said James Coleman also acknowledged to me that he had executed the said instrument, and that the same was his free act and deed, and the free act and deed of said company for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal.

[SEAL.]

ANSON B. MINOR,
Notary Public.

THE LA CROSSE, TREMPEALEAU AND PRESCOTT RAILROAD
TO THE CHICAGO AND NORTHWESTERN RAILROAD COM-
PANY.

CHICAGO, January 4, 1875.

DEAR SIR:—I have received your favor of December 31st, and send you herewith a copy of the lease of the Northwestern Union R. R. to the Chicago and Northwestern Railway Company. I am unable to find that the Chicago and Northwestern Railway Company has any written lease of the La Crosse, Trempealeau and Prescott Railroad. The Chicago and N. W. Railway Company under acts of legislature of the state of Wisconsin (see chap. 337 of the

laws 1870, and chapter 250 of the laws of 1871) having guaranteed the payment of the bonds, both principal and interest of the La Crosse, Trempealeau and Prescott Railroad Company, and so far paid the interest on said bonds. It was part of the consideration for such guaranty that the Chicago and Northwestern Railway Company should operate said road from year to year in order to indemnify said company for monies paid out, and liabilities incurred by it.

Yours truly,

ALBERT KEEP;
President.

H. A. TENNEY, Esq.,

Clerk Board Railroad Commissioners, Madison, Wis.

ANNUAL REPORT
OF THE
COMMISSIONERS OF PUBLIC PRINTING
OF THE
STATE OF WISCONSIN,
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1874.

OFFICE OF COMMISSIONERS OF PUBLIC PRINTING,
MADISON, October 10, 1874.

To his Excellency, WILLIAM R. TAYLOR,
Governor of the State of Wisconsin.

SIR: In accordance with the requirements of chapter 32 of the general laws of 1874, the Commissioners of Public Printing have the honor to submit their annual report.

As the expenses of the public printing of the state during the past fiscal year are set forth in detail in the report of the Secretary of State, it is not deemed necessary to repeat the same herein, and hence summaries only are given.

The amounts paid for publishing and advertising, were as follows:

Publishing general laws in newspapers.....	\$13,246 20
Publishing private and local laws in newspapers.....	1,462 80
Advertising sales of land	1,648 17
Publishing notices and proclamations.....	707 70
	<hr/>
	<u>\$17,100 87</u>

The following statement exhibits the amounts paid for legislative printing, manual, reports of state departments, blanks, supreme court reports, and all other printing, including paper:

Printing for legislature.....	\$9,172 34
Legislative Manual	3,688 85
Printing reports, blanks, etc.....	55,327 02
	<hr/>
	\$68,188 21
	<hr/>

It is believed that under existing laws, no material amount of the expenditures for printing will be incurred for blank spaces not printed, referred to in the act under which this report is made.

Section 5 of said act provides that, in preparing the reports of executive officers, and the reports of the different educational, charitable and penal institutions for the printers, the said commissioners of public printing shall give summaries of the receipts and disbursements in such offices and institutions, but shall not give, in detail, the items making up such accounts, but they shall transmit such itemized accounts to the secretary of state, whose duty it shall be to enter the same at large under the proper headings, in a book to be kept for that purpose.

Chapter 66 of the general laws of 1872 provides that the annual reports of the state charitable and penal institutions shall contain detailed statements of the expenditures for the year, prepared in such form as the State Board of Charities and Reform may prescribe.

As it is the duty of the printing commissioners to strike out such statements from said reports as above set forth, it is respectfully recommended that said chapter 66 of the laws of 1872, be so modified as to not require such detailed statements to be included in the reports of such institutions, but that the officers making such reports shall send detailed statements of receipts and disbursements to the secretary of state to be recorded as required by chapter 32 of the laws of 1874.

The practical result of this will be the same as that now arrived at under the operation of present laws, and it is believed that the adoption of such a course will materially lessen the labor of preparing such reports for the printer, and will also result in having them, in some cases at least, more concise and systematic, as nothing will be included therein by the officers making the same except what it will be necessary to have printed.

PURCHASE OF PAPER.

Chapter 230, of the laws of 1874, provides that it shall be the duty of the commissioners of public printing during the first week in September, A. D. 1874, and every six months thereafter, to advertise for sealed proposals, in two newspapers printed in the city of Madison, two in the city of Milwaukee, and two in the city of New York, for furnishing the state with such paper as the commissioners may deem necessary for use in printing, and for such blank books as may be required by the state. In accordance with this provision, the commissioners have advertised for such proposals, and have fixed the 15th day of October as the day on which the same will be opened, and a contract for furnishing such paper awarded. It is recommended that the first section of said chapter 230 be so amended as to require the advertisement referred to, to be published in Chicago instead of New York.

STATE PRINTING.

The present contract for state printing will expire at the close of the present year. The action of the commissioners under the provisions of chapter 243, laws of 1874, relative to the public printing for the two years commencing January 1, 1875, is set forth in the report of the Secretary of State, to which, for such information, reference is made.

CONCLUSION.

It is believed that, with the slight amendments referred to and recommended herein, the laws relative to the public printing will be reasonably perfect, and it is hoped that such amendments may be adopted by the legislature.

For reasons already substantially stated, it is not deemed necessary to extend this report. Full information relative to the public printing, on points not herein specifically referred to, is given in other reports, and it is thought proper to avoid, as far as possible, a repetition of the same.

Respectfully submitted,

PETER DOYLE,
FERDINAND KUEHN,
A. SCOTT SLOAN,
Commissioners of Public Printing.

FIRST ANNUAL REPORT
OF THE
COMMISSIONERS OF FISHERIES
OF THE
STATE OF WISCONSIN.

To His Excellency, Governor Taylor, and the Legislature of Wisconsin:

The Commissioners of Fisheries, appointed by the Governor under chapter 253, of the session-laws of 1874, are not required to make a report of their action under such appointment, but the importance to the state of the interests committed to their supervision, is of such a character that we feel it our duty to make a statement of what has been accomplished by us, and also to make certain suggestions and recommendations for the consideration of the state law-making power.

By the provisions of chapter 211, of the session-laws of 1873, five hundred dollars were appropriated, to be expended under the direction of Professor Spencer F. Baird, United States Commissioner of Fisheries, in promoting the artificial propagation and the introduction into this state of the better kinds of fish. A statement of the expenditure of that money furnished us by Prof. Baird, shows that the entire sum was expended for that purpose, the details of which are in the hands of the State Treasurer. Of the fry of the spawn of that year, several thousand were placed in the lakes at Madison, and also several thousand in Geneva Lake. As near as

we can estimate, 20,000 salmon were distributed in these waters. They were hatched at the private hatching-house of H. S. Dousman, Esq., at Waterville, in Waukesha county.

Under the act authorizing the appointment of commissioners, the sum of \$360 was appropriated for the purpose contemplated in the law, and was to be expended under the direction of the commissioners thereafter to be appointed by the Governor. With the funds placed at our disposal, we have been able to do but little.

We received, through Mr. Baird, 100,000 spawn of the California salmon. These were sent direct from San Francisco to Boscobel, in this state, and came unattended as express matter. Mr. Palmer, one of the Commissioners, and who owns a private hatching-house at Boscobel, undertook the hatching and distributing process. From these spawn he hatched some 61,000 fry, in excellent condition, unusually strong and healthy. At the date of preparing this report, 19,000 had been distributed in the waters of Grant, Crawford and Lafayette Counties. The residue were to be distributed in the northeastern counties and among the lakes and rivers of Sheboygan, Fond du Lac and Winnebago.

The following itemized account shows the expenses thus far incurred:

Express charges.....	\$41 00
Exchange	50
Two trips to Madison.....	11 30
Trip to Oshkosh.....	21 50
Expense of distribution of fry, (19,000).....	40 45
Expense of hatching.....	200 00
Making together.....	<u>314 75</u>

The above is Mr. Palmer's account for cash expenditures and services, and we have drawn upon the appropriation for that sum. Forty-six dollars yet remain in the treasury, and will not fully pay the necessary expenses of distributing the remainder of the fry. It has been our wish to have the cost of distribution paid by the cities and towns located on public waters, and we hope in time to create such an interest in the matter of fish-culture that this will be done. It may be proper to add that the common council, of the city of Madison, appropriated the money necessary to pay expenses of taking the fry from Waterville to Madison, and the same may have been the case with Geneva.

The General Government has systematized the matter of fish-culture, appropriating for that purpose upwards of \$30,000 annually, and placed at its head Professor Baird. Under his efficient management immense quantities of the spawn of the better varieties of fish are secured, and are distributed gratis to states provided with commissioners. They are only expected to pay expressage, which is very trifling in amount. We were very much gratified in receiving from Mr. Baird his congratulations on the creation of a commission in Wisconsin. Under date of March 26, 1874, he says:

"I am very much pleased to learn that Wisconsin has joined the ranks of the states provided with fish commissioners, and I have no doubt, that by a careful consideration of the questions connected with the interior fisheries, measures will be adopted by which the food resources of your state can be materially improved."

Thirteen states are already provided with commissioners, named respectively as follows: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Alabama, California, Michigan and Wisconsin.

Maine is the pioneer, having entered upon her ninth year. The seventh annual report of the commissioners of New York will soon be due. The other states followed in rapid succession, and before many years we have no doubt that the matter of fish-culture will engage the attention of every state in the Union.

Many and various experiments have been made in New York, in respect to acclimating to their waters different varieties of valuable fish. Under the skillful management of Hon. Seth Green, superintendent, success has generally attended these experiments. In his labors he has received the encouragement and aid of Horatio Seymour, Geo. G. Cooper, and Robert B. Roosevelt, from the start, we believe, fish commissioners of New York. These gentlemen enjoy national reputations and their endorsement of fish-culture is worthy of consideration. In closing their fourth annual report, these gentlemen say:

"We point with pride to what has been done during the past few years, and with the small sum at our disposal we rely with confidence on a greater measure of success in the future."

Without enlarging, we may add that in all the reports of the commissioners of fish before us, they speak but one language, and that is of the most encouraging character. The fisheries of New

York, Maine, Connecticut and Pennsylvania are being largely increased, barren waters are becoming productive, and the people are beginning to reap the harvest of success in an increased supply of wholesome diet and at a greatly reduced cost. Considering that fish-culture by artificial means is not a dozen years old in this country, with the success already attained, the future is full of promise. We have passed the day of experiment and with the experience of the states named, we have only to go to work with a certainty of a highly remunerative return for our labor and expenditure. But to do this we must have money.

In the first place we ask the state to make a suitable appropriation of money, to enable the Fish Commissioners to prepare a proper site and erect a state hatching-house. These sites are not abundant in the state. We must have a fair scope of land near some railway centre, living water of proper temperature, and a full sufficiency for the accommodation of hatching troughs and ponds. To give a fair conception of what kind of a hatchery we want, we copy the following outside description of that in New York:

"The hatching-house is situated at Caledonia, N. Y. It is built on ground leased from the well known fish-breeder, Mr. A. S. Collins, who owns the streams and ponds formerly belonging to Seth Green. This site is the finest by far in the United States for such a purpose. An estimated flow of sixty barrels of water per second is furnished by springs within the distance of half a mile. The stream varies much less than is usual, with such waters in volume and temperature; is full of the finest flavored speckled trout, and the ground around the hatching-house is especially favorable for constructing ponds and for the various purposes of fish-breeding.

"The hatching-house is so constructed that a fall of three feet of water can be used. It is built of hemlock timber, is fifty feet long by twenty feet wide, one and a half stories high, and the commissioners claim is the cheapest hatching house, and yet, so arranged to turn out the greatest number of fish of any in the United States."

The interior is supplied with troughs, feed-pipes—in which filters are inserted before the faucets, which admits the water into the troughs—waste-pipes, &c. The work is rough in the main and inexpensive. The principal cost of such an establishment would attach to the ground. We should not want near the current of water

above named, but care should be taken to secure an abundance for all time and for all purposes of such an institution. A large discretion should be given to the commissioners in the selection of a site, assuming that the best interests of the state would be kept in view.

For the purposes above indicated and to carry on the operations of hatching spawn and distributing the fry, for 1875, we ask for an appropriation of eight or ten thousand dollars. With this sum we feel confident that in a few months we could perfect the work necessary for all hatching purposes. It might be necessary to erect a cheap tenement, at or near the hatching-house, in which the superintendent could reside, as some one must have charge of the property and superintend the hatching of spawn.

In this connection, we desire to state, that, as soon as arrangements for hatching are perfected, responsible parties can be had who will take charge of the property and hatch all the spawn which the state is likely to want, free of cost for the labor of hatching and delivering the fry at the hatching house. The consideration for these services will consist in allowing the party to use the water which would otherwise run to waste, in the artificial propagation of trout. This matter, however, will form the subject for future consideration. At present, it looks to us feasible, as it is not contemplated that the state will engage in brook-trout culture. Trout streams are too local in their character to warrant the labor and expense of stocking them.

But we should expect that the example of the state in stocking public waters with other varieties, would encourage private parties to cultivate the speckled trout. Farmers who have springs or cold streams on their farms can best do this. With a little capital, and the time which they can well spare and which will be mostly in winter, they can grow trout food cheaper than they can grow beef or pork. The amusement too in angling is of great moment, and employs many spare hours of both boys and girls.

We have before us the codified game laws of the state of New York, prepared under the direction of the Secretary of State. In looking over our own laws on this subject and comparing them with those of New York, we are of the opinion that they ought to be arranged and printed in convenient form for distribution, and in some respects altered and enlarged. We have a state association

for the preservation of game, and which is doing much good in that direction. R. H. Strong, Esq., of Baraboo, is president, and Messrs. M. T. Bailey, of Madison, and A. J. Turner, of Portage, are secretaries. There are also local clubs organized in many of our cities, having in view the same purpose. In 1870 the American Fish-Culturist's Association was formed, and now numbers in its organization, many of the most scientific gentlemen in the country. Hon. Wm. Clift, of Connecticut, is president, and among the honorary members are Prof. Baird, and also Hon. Samuel Wilmot, commissioner of fisheries for the Dominion of Canada. Great interest is manifested by these bodies in the matter of preserving and propagating fish, and in enforcing the laws for their preservation.

We have not been able to gather much specific information in respect to the fisheries of the state. By another year, in case the commission is continued, we shall be able to collect much useful information. We may assume as a safe proposition, that no state in the Union, disconnected from the sea-board, is better suited for fish culture than Wisconsin.

There are two hundred and twenty-five lakes in the following sixteen counties: Kenosha, Racine, Walworth, Waukesha, Jefferson, Dane, Washington, Dodge, Columbia, Sheboygan, Fond du Lac, Green Lake, Marquette, Waushara, Waupaca, and Winnebago. These lakes cover 388 square miles, or 248,320 acres of water, which large surface is now comparatively unproductive. These beautiful lakes that adorn our state, could, and ought to produce as much food for man as an equal amount of rich land. In most of these lakes, valuable fish would thrive. Not until the inhabitants of these counties can catch trout, carp, grayling, &c., will they fully appreciate the importance of fish culture. Thus they will be more sensible of the great good that will surely flow from the judicious use of a few thousand dollars annually. These benefits should not be confined to the lesser lakes, for it is in the larger ones—Michigan and Superior—where the greatest interest should concentrate. The white fish and trout, are, by the use of improved (?) modes of taking fish, becoming rapidly diminished in number.

We have taken pains to ascertain how fast the supply of fish is becoming exhausted by the use of pound and gill nets as now extensively used.

At Racine alone there are four boats in constant use putting out

and taking up not less than twenty-five miles of gill nets. During the summer their nets are set from eighteen to twenty miles from shore, where the water is from sixty-five to seventy fathoms deep. We are told by Jacob Schenkenbarger, one of our oldest and most intelligent fishermen, that "with an equal number of nets only one-fourth as many fish are caught now as were taken four years ago."

He further says: "We always have the best success late in the fall, by placing our nets over the spawning grounds of the white fish and trout. Late in October in 1870, I took with a set of thirty nets, at one time, 1980 pounds of dressed trout by putting the gang over the spawning beds. Four years ago, it was common to take from 1,000 to 1,500 pounds of fish at each trip. Now we never go over 500, and not unfrequently go less than 200 pounds. The lake is filled with nets and the fish can hardly escape."

The fishermen all admit that it is wrong to take fish when they are engaged in spawning, and if there was a law prohibiting the setting up nets from the 15th of October to the 1st of April, they would be glad, and would most cheerfully obey it, so that the fish could repair to their breeding-grounds unmolested by the destructive gill nets. Such a law would do much good, if rigidly enforced.

With a hatching-house close by the lake, millions of young white fish and salmon trout, could be put in Lake Michigan at a trifling expense to the state. It is time that this work should be jointly undertaken by those states bordering on the great lakes; that is, Illinois, Michigan, Indiana and Wisconsin, should unite to stock Lake Michigan and Minnesota, Michigan and Wisconsin for Lake Superior.

However, it is now fully proven that fish do not ordinarily go many miles from the spot where they are hatched, so that if Wisconsin were to put 5,000,000 of young fry into Lake Michigan, within the limits of the state, it is quite certain that she would reap the greater part of the harvest. This is a matter of the greatest importance, for the lake fisheries involve a considerable amount of capital, which is employed in furnishing a large stock of a healthful and nutritious article of diet, easily digested and rich in phosphates.

We have great hopes of success in introducing some of the varieties of salmon into the larger inland lakes. H. F. Dousman has just communicated to us the interesting fact that two years ago he hatched for the state a lot of salmon eggs furnished

by the United States fish commissioner, Prof. Baird. A few of the young salmon escaped being captured, and have since remained with their little cousins the speckled trout. The last of the past November, on examination, he found a female salmon that gave ripe spawn, these eggs were fecundated by the milt of a male. So we shall have the remarkable instance of salmon being hatched from spawn taken from fish that were hatched and grown in Wisconsin. However unfavorable this experiment may possibly prove, we still have enough of good fish that we know will thrive and abundantly repay a hundred fold, the expense of a state hatching-house, which would be conducted to the best interests of the state. The salmon trout, carps, white and black bass, whitefish and grayling could be turned into the lakes in great numbers.

If members of the legislature were to visit the establishment of A. Palmer, of Boscobel, and H. F. Dousman, of North Prairie they would be delighted to witness the successful artificial propagation of fish. Mr Dousman has now nearly 250,000 young trout that will be ready for market when they are two years old. Mr. Palmer and Mr. Dousman hatch about 80 per cent of all eggs put into their hatching troughs—a success never surpassed.

On account of a considerable mortality among a part of his fish, Mr. Dousman lately applied to a member of the state fish commission, Mr. Hoy, who visited his fish ponds. Science was sufficient for the occasion, and the cause and remedy found.

If a private party raising fish for market can make money by paying liberally for such advice, how much more should the state secure the time and services of its fish commissioners, to superintend the fish interests of the state.

We submit this hasty and ill-digested report for consideration. We ask that it be referred to the proper committee, and we hold ourselves in readiness to give all the information and aid in our power in furtherance of the objects embraced therein.

Respectfully submitted.

WILLIAM WELCH,
A. PALMER,
P. R. HOY,
Fish Commissioners.

MADISON, *December, 1874.*